

Iowa's Prohibition Plague: Joseph Eiboek's Account of the Battle over Prohibition, 1846-1900

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Iowa's Prohibition Plague: Joseph Eiboeck's Account of the Battle over Prohibition, 1846–1900

GLENN EHRSITINE AND LUCAS GIBBS

IN 1908 Trumbull White, editor of *Appleton's Magazine*, “a high-class monthly” on American culture,¹ reviewed the convoluted history of nineteenth-century liquor legislation in Iowa for a three-part series titled “Does Prohibition Pay?” White had no difficulty identifying the leading figure in the state’s anti-Prohibition camp: “Colonel Joseph Eiboeck, militant old Hungarian warrior, with his *Staats-Anzeiger*, who had begun in youth as a Good Templar and ended by being the most consistent, intelligent, and vigorous fighter in the liquor cause.”² White had good reason to mention the *Iowa Staats-Anzeiger* as well: edited by the Austro-Hungarian Eiboeck from 1874 until his death in 1913, the weekly “State Advertiser” reached more than 6,000 households throughout the state and kept German Iowans in touch with events in Des Moines.³ Eiboeck made no secret of his publication’s anti-temperance stance, choosing as the paper’s ini-

1. Frank Luther Mott, *A History of American Magazines*, 5 vols. (Cambridge, MA, 1968), 5:30.

2. Trumbull White, “Does Prohibition Pay? III. The Test of a State that Recanted,” *Appleton's Magazine* 12 (1908), 348.

3. In 1880, six years after Eiboeck assumed control of the paper, its circulation stood at 3,400. By 1895, circulation had risen to 6,400 and remained at that level through 1910. See Karl J. R. Arndt and May E. Olson, *German-American Newspapers and Periodicals, 1732–1955: History and Bibliography* (Heidelberg, 1961), 138.



tial motto “personal liberty,” the rallying cry of those who cherished their freedom to partake of alcoholic beverages (figs. 1, 2).⁴

The *Staats-Anzeiger* was hardly unique in its opposition to the temperance movement: it was only one in a network of more than 30 German-language papers in Iowa prior to World War I, stretching from the *Sioux City Volksfreund* in the west to Clinton’s *Iowa Volkszeitung* in the east.⁵ With German Americans united in their opposition to Prohibition, these papers openly agitated against temperance, promoting the tendentious view that organizations such as the Woman’s Christian Temperance Union were hotbeds of female fanaticism.⁶

4. From January 1875 to October 1882, the motto “*Ein Organ der persönlichen Freiheit*” appeared on the masthead of each issue. During roughly the same time frame, the equivalent motto “Personal Liberty Organ” appeared at the top of Eiboeck’s weekly English editorial column.

5. See the interactive map of German-language newspapers in Iowa at <http://germansiniowa.lib.uiowa.edu/neatline/show/newspaper-map>. With the exception of the *Davenport Demokrat*, Iowa’s premier German newspaper, the German-language press in Iowa has received scant scholarly attention. See Carl Wittke, *The German-Language Press in America* (Lexington, KY, 1957); William Roba, “Dr. August Richter (1844–1926) and the German-Iowan Press,” chap. 7 of *German-Iowan Studies: Selected Essays*, *New German-American Studies* 28 (New York, 2004), 93–107.

6. “Temperance Witches” (*Temperenzhexen*), for example, was the term used by the *Iowa Tribune* (Burlington) in an article on the female “fanatics of Iowa” who burned a saloon to the ground when the owner sought to circumvent the pending Prohibition law of July 4, 1884, by moving his establishment in Van Buren County across the Des Moines River to Missouri soil. At least two other German-language papers—Dubuque’s *Die Iowa*, 7/3/1884; and the *Iowa City Post*, 6/25/1884—ran the *Tribüne* article with its original wording; the *Carroll Demokrat* also reported on the incident: “Carroll Demokrat on Saloon Destruction and the Settlement of New Towns,” in *German Iowa and the Global Midwest*, at <https://germansiniowa.lib.uiowa.edu/items/show/2247>.

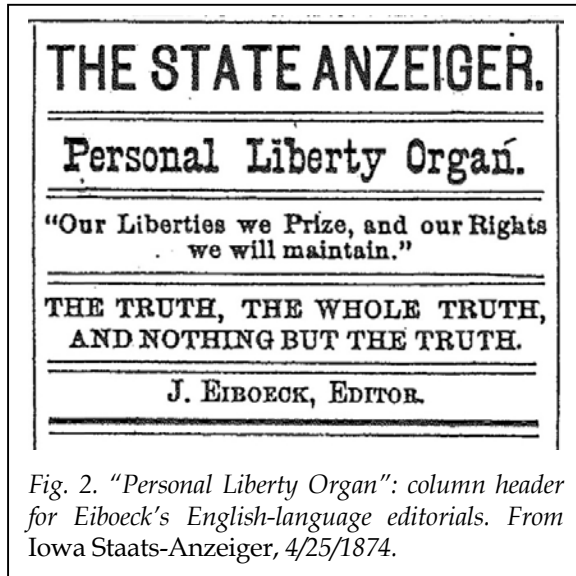


Fig. 2. "Personal Liberty Organ": column header for Eiboeck's English-language editorials. From *Iowa Staats-Anzeiger*, 4/25/1874.

The state's male voters of German descent were receptive to such portrayals, and, as the Iowa Republican Party increasingly tied its fate in the 1880s and '90s to the Prohibition question (and to the latent anti-immigrant sentiment that often animated it), they slowly discovered that they could sway elections.⁷ In leading the anti-Prohibition charge, Eiboeck in particular positioned himself as a political power broker and sought to capitalize on the influence wielded by his readership, boosting circulation and advertising revenue for his paper in the process. The political commentary preserved in the *Staats-Anzeiger* and other German-language newspapers provides unique insights on the Prohibition debate in the late nineteenth century, including contemporary attitudes towards gender roles and ethnic identities that shaped public perceptions of alcohol consumption. Without access to this material, most Anglophone scholars lack the ability to tell the full story of one of the most divisive issues in Iowa history.⁸

7. Richard Jensen, "Iowa, Wet or Dry? Prohibition and the Fall of the GOP," in *Iowa History Reader*, ed. Marvin Bergman (Iowa City, 2008), 263–90.

8. On the significance of German-language materials for Iowa history, see Roba, *German-Iowan Studies*, xi.

As luck would have it, Eiboeck, anticipating the curiosity of “younger readers as well as their progeny,”⁹ left behind a memoir of his compatriots’ efforts to combat the growing tide of temperance, which we present here in an annotated English translation. “Die Prohibitionsseuche in Iowa” (Iowa’s Prohibition Plague) originally appeared as chapter 11 of Eiboeck’s 800-page magnum opus, *Die Deutschen von Iowa und deren Errungenschaften* (The Germans of Iowa and Their Achievements), which chronicled German Iowans’ role in settling the state.¹⁰ Published in 1900, Eiboeck’s account covers the development of the temperance movement and the regulation of intoxicating beverages in Iowa from the founding of the state through the passage of the Mulct Law in 1894, drawing on personal recollections as well as excerpts from party platforms, editorials, and state legislation, all translated by Eiboeck for his German readers. The period covered by “Iowa’s Prohibition Plague” is thus largely identical with that of Dan Elbert Clark’s three-part “History of Liquor Legislation in Iowa,” which covers the years 1846 to 1908 and has long served historians as the most comprehensive and authoritative account of the liquor debate in Iowa in the nineteenth century.¹¹ Eiboeck’s narrative augments Clark’s record, devoting particular attention to the volatile period of the 1880s, including the battle over the failed 1882 Prohibition amendment to the state’s constitution and the subsequent passage of the Prohibition Act that went into effect on July 4, 1884, making the consumption and manufacture of alcoholic beverages in Iowa illegal for the next decade. While his recollections are occasionally faulty or openly partisan, his first-hand account nonetheless proves at times more accurate than Clark’s, and we have verified Eiboeck’s version of events through independent sources wher-

9. See page 52 below.

10. Joseph Eiboeck, “Die Prohibitionsseuche in Iowa,” chap. 11 of *Die Deutschen von Iowa und deren Errungenschaften* (Des Moines, 1900), 121–70. A searchable transliteration of Eiboeck’s text is available online at <http://germansiniowa.lib.uiowa.edu/exhibits/show/eiboeck/chapter11-transliteration>.

11. Dan Elbert Clark, “The History of Liquor Legislation in Iowa, 1846–1861,” *Iowa Journal of History and Politics* 6 (1908), 55–87; idem, “The History of Liquor Legislation in Iowa, 1861–1878,” *Iowa Journal of History and Politics* 6 (1908), 339–74; idem, “The History of Liquor Legislation in Iowa, 1878–1908,” *Iowa Journal of History and Politics* 6 (1908), 503–608.

ever possible. To better understand Eiboeck's text in the larger context of Iowa's multiethnic politics during the Gilded Age, we begin here with a brief overview of the author, his work as one of Iowa's pioneering newspaper editors, and the role of the *Iowa Staats-Anzeiger* in the state's Prohibition debate.

WHEN EIBOECK ARRIVED in Dubuque from Vienna as a young boy in 1849, the state of Iowa was not quite three years old, and German settlement west of the Mississippi was just taking off. In 1890, when immigration to Iowa peaked, 127,246 German-born residents lived in the state, constituting 39.3 percent of all foreign-born Iowans and 6.7 percent of the state's 1,912,297 residents. Ethnic Germans were over three times as numerous as the next largest immigrant groups of 1890—the Irish (37,353; 2% of total population), Swedes (30,276; 1.6%), and Norwegians (27,078; 1.4%)—and between 1850 and 1910 they consistently represented at least one-third of all foreign-born residents in the state. Factoring in additional arrivals from Austria, Switzerland, and other parts of German-speaking Europe, coupled with U.S.-born Germanophone transplants from the eastern United States and the second- and third-generation offspring of early settlers, we estimate that 10–12 percent of all Iowans, and perhaps more, spoke German as their first or second language at the turn of the twentieth century.¹² This was the ethnic milieu that Eiboeck moved in during his adult life.

As related with dramatic embellishment in his personal biography as Iowa commissioner for the 1893 World's Columbian Exposition in Chicago, Eiboeck had developed a love of "liberty and equality" and an "antagonism to all forms of oppression" as a boy in Vienna while witnessing the revolutionary uprisings of 1848–49 "upon the barricade immediately in front of his pa-

12. For underlying census data, see the volume "Immigrants" of *The Goldfinch* 3 (November 1981), 14; and Willis Goudy, *Iowa's Numbers: 150 Years of Decennial Census Data with a Glance to the Future* (Ames, 2008), 5, 75. A column from the *Dubuque National-Demokrat* of August 14, 1884 ("Wie viele deutsche Stimmgeber gibt es in Iowa?") estimated that German Iowans at the time made up one-eighth (12.5%) of the total state population.

rental home.”¹³ He was also no stranger to dual ethnicities: Born February 23, 1838, he hailed from German West Hungary, a predominantly German-speaking region that had long oscillated between the Hapsburg Empire and the Kingdom of Hungary. His home town, known at the time by its Hungarian name of Szeleskut, is now Breitenbrunn am Neusiedler See in Burgenland, the easternmost federal state of Austria. After his father, Joseph Eiboeck Sr., was killed in a duel, his mother, Marie, married Paul Kiene, whose participation in the failed Vienna uprisings precipitated the family’s move to Dubuque in 1849. While there is need for a comprehensive account of Eiboeck’s ensuing years in Iowa (including how he became “Colonel Eiboeck,” a moniker for which we have found no explanation), we limit our focus here to his newspaper work and political activities.¹⁴

Young Eiboeck found his vocation in the newspaper trade soon after his arrival in Dubuque. He apprenticed at both *Der nordwestliche Demokrat*—the first German-language newspaper in the state, founded in 1849 by Anton Eickhoff, later editor of the *New Yorker Staatszeitung*—and at the *Miners’ Express*, a weekly Dubuque paper edited by William H. Merritt, a prominent Democrat and later gubernatorial candidate against Samuel Kirkwood.¹⁵ After teaching school in Garnaville for three years, he pur-

13. “Joseph Eiboeck, Des Moines, Iowa,” *The Biographical Dictionary and Portrait Gallery of Representative Men of Chicago and the World’s Columbian Exposition*, Part II (Chicago and New York, 1892), 481–82. Eiboeck was one of two state commissioners, serving alongside Prof. W. F. King.

14. For details on Eiboeck’s brief military service during the Civil War, his marriage to Fannie Garrison, their daughter Marie, his life in Clayton County, and his presidency of the Des Moines Press Club, see the Columbian Exposition biography cited above, together with Eiboeck’s obituary in the *Annals of Iowa* 11 (1913), 78; the front-page German-language obituary in the *Iowa Staats-Anzeiger*, 1/10/1913; *Die Deutschen von Iowa*, 240–42; and Realto E. Price, *History of Clayton County, Iowa* (Chicago, 1916), 124–26, 130, 132–33, 145, 148, 151, 159, 181, 186, 196–97, 201, 215–16, 229, 287, 305, 331, 333, 428. Digital copies of many of these materials can be found at <http://germansiniowa.lib.uiowa.edu/items/browse?tags=Eiboeck-Biography>.

15. The *Miners’ Express* (1849–1854) and its predecessor, the *Weekly Miners’ Express* (ca. 1841–1849) are among the historic Iowa newspapers that have been digitized for the Library of Congress’s Chronicling America website: <https://chroniclingamerica.loc.gov/lccn/sn86083363/>. Information on Eiboeck’s *Miners’ Express* apprenticeship is found in Eiboeck’s Columbia Exposition biography; however, Eiboeck himself (*Die Deutschen von Iowa*, 222–23, 240) and



Fig. 3. Joseph Eiboeck during his early years in Elkader. From *History of Clayton County, Iowa* (Chicago, 1916), image plate between pages 76 and 77.

chased the local *Clayton County Journal* in 1859 and soon moved the paper to Elkader when that city became the county seat in 1860 (fig. 3). He next founded the *Nord Iowa Herold* (Elkader) in 1868, the first German paper in the state north of Dubuque, and operated both papers for six months. He subsequently sold the *Herold* but continued to publish the *Journal* until August 1872.¹⁶

his German-language obituary in the *Staats-Anzeiger* make no mention of the *Miners' Express*, focusing instead on Eiboeck's apprenticeship as a typesetter with *Der nordwestliche Demokrat*, which made him "the first apprentice for the first German newspaper in Iowa." *Iowa Staats-Anzeiger*, 1/10/1913, 1. Eiboeck's apprenticeship with *Der nordwestliche Demokrat* is also mentioned in *Der deutsche Pionier: Erinnerungen aus dem Pionier-Leben der Deutschen in Amerika* 16 (1884), 194.

16. Eiboeck attempted to leave the *Journal* in 1867, perhaps in anticipation of founding the *Nord Iowa Herold*, but after a four-week period, during which two replacement editors abandoned the paper in quick succession, he returned, having been "urged by citizens of both parties who raised a fund for the enlargement of the paper." Price, *History of Clayton County*, 196.



Fig. 4. Eiboeck in his later years. From Benjamin F. Gue, *History of Iowa*, 4:86.

That year ushered in a change in Eiboeck's political leanings as well. Following the example of Carl Schurz and other one-time Radical Republicans who fled Europe after the failed revolutions of 1848 but embraced ideals of national unity following the founding of the Second German Empire in 1871, Eiboeck initially joined the nascent Liberal Republican movement, which "subordinated questions of African-American rights to free trade, civil service reform, and reconciliation between Northern and Southern whites."¹⁷ After brief service as a delegate to the May 1872 Liberal Republican convention in Cincinnati that nominated Horace Greeley for the presidency, Eiboeck subsequently cast his lot with the Democratic Party. Following a three-month stay in Vienna as honorary commissioner for Iowa at the 1873 World's Fair and a subsequent tour of Europe, he returned to Iowa and took the helm of the *Iowa Staats-Anzeiger* in February 1874, re-

17. Alison Clark Efford, *German Immigrants, Race, and Citizenship in the Civil War Era* (New York, 2013), 171.

placing Conrad Beck as editor, who noted that he was leaving the paper "in better hands."¹⁸ Eiboeck was just shy of his 36th birthday at the time and would edit the *Staats-Anzeiger* for the next 39 years until his death on January 8, 1913, at age 74 (fig. 4).

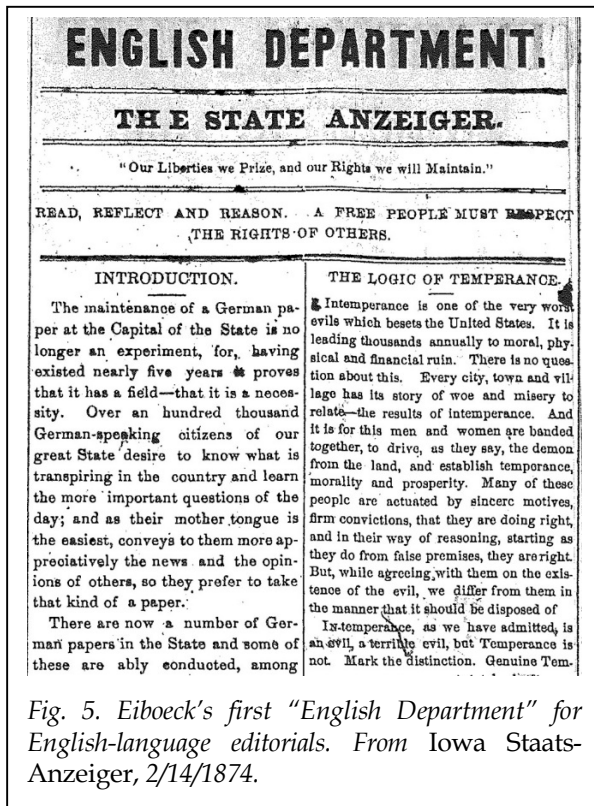
Once in Des Moines, Eiboeck quickly set about remaking the *Staats-Anzeiger* to focus on state politics. Under Beck, the front page had been given over to the "Feuilleton" department, which traditionally featured a serialized novel. Beginning with the May 7, 1874, issue, Eiboeck moved "Feuilleton" to page two of the four-page paper and devoted the front page wholly to news from the state. German columns appeared on the left, including reports by the editor, endorsements (or repudiations) of candidates for state office, and a digest of the German-language press in Iowa. However, Eiboeck was most proud of the two to four columns of editorials in English that appeared on the right of every front page from May 1874 forward. Eiboeck established this "English Department," as he initially called it, in his inaugural February 14 issue, addressing his new readers in two columns on the third page regarding the goals for his new, bilingual paper (fig. 5).

OUR AIMS AND ENDS.—1st To establish a live, readable German newspaper; 2d, to advocate, in the language in which it will be the most effective, the abrogation of all laws which restrict personal liberty, and we will therefore be found earnestly contending for the repeal of the prohibitory law and in favor of a judicious license law. 3rd, it will be our endeavor by drawing comparisons from time to time, showing the merits of each, to unite the Germans and the native born citizens. True liberty is that which respects the rights of others.¹⁹

Eiboeck also made it clear whom he intended to reach with his English-language editorials.

18. The *Staats-Anzeiger* was jointly published at the time by Beck and Peter Gehr. Eiboeck first bought out Beck and took charge as editor with the February 14, 1874, issue. Peter Gehr remained a partner in the business until July 16, 1874, after which Eiboeck became the sole publisher. For Beck's farewell comments, see "An die geehrten Leser des Anzeigers," *Iowa Staats-Anzeiger*, 2/7/1874. Gehr's farewell appears as a third-person announcement: "Ankündigung," *Iowa Staats-Anzeiger*, 7/16/1874. Eiboeck briefly discusses his purchase of the paper in *Die Deutschen von Iowa*, 240, 619.

19. "English Department," *Iowa Staats-Anzeiger*, 2/14/1874.



The members of the Legislature are invited to examine the columns of this paper, and if it pleases them, we will take pleasure in sending it to their constituents. A considerable number of Senators and Representatives have favored us with orders for from ten to fifty copies for a period of three months.²⁰

Eiboeck was, in effect, putting state legislators on notice that they should expect to be held accountable by his readers for their position on Prohibition. At the time the only German-language paper in the state capital,²¹ the *Anzeiger* became the leading forum

20. Ibid.

21. The *Staats-Anzeiger* had short-lived competition from the *Iowa Staats-Zeitung* (Des Moines), a Republican paper founded by Ernst Hofer and published between 1886 and 1891, with a circulation in 1890 of 1,900. In an apparent confusion with Eiboeck's paper, Arndt and Olson, *German-American Newspapers and Periodicals*, 138, mistakenly give the name of Hofer's paper as *Iowa*

for the exchange of anti-Prohibition information and strategies in Iowa, and all friends of personal liberty, not just German Iowans, looked to Eiboeck for leadership on the issue. When Des Moines Prohibitionists failed to prevent the continued licensing of saloons with a municipal referendum on May 1, 1879, Eiboeck could report with some satisfaction that even the *Iowa State Register*, the state's leading pro-Prohibition paper, grudgingly credited Eiboeck and the *Staats-Anzeiger* with the victory.²² Near the close of the century, Des Moines chronicler Will Porter offered the following assessment of Eiboeck's long-term editorship: "Under his able and energetic management the *Anzeiger* has widely extended and increased its circulation and business, and has for years been one of the most influential newspapers in Iowa."²³

"IOWA'S PROHIBITION PLAGUE" brings the organized (and at times unorganized) resistance to Prohibition during Eiboeck's tenure as editor of the *Anzeiger* into sharper relief. Anticipating the revision of the state's prohibition laws in the early 1880s, Eiboeck helped to found the "State Protective Association" in Des Moines on July 30, 1879. It united saloon keepers, brewers, and liquor dealers in common cause for a "judicious license law" and sought to acquaint voters "with the losses the farmer and businessman sustains [*sic*] through the pernicious operation of the existing prohibitory liquor law of this State."²⁴ One goal of the organization was to end the mistrust between brewers (whose activities were still legal) and liquor dealers

Staats-Anzeiger. On the antagonism between Hofer and Eiboeck, see Rolf Swenson, "Ernst Hofer: A German Republican Journalist in Iowa, 1855-1890," *Annals of Iowa* 51 (1992), 585-88.

22. In Eiboeck's German-language review of the state's press following the election, he cited similar acknowledgments in the English-language *Ottumwa Democrat* and *Chariton Leader*. The praise for Eiboeck was even louder in the state's German papers, with editors from Keokuk, Ottumwa, Waterloo, Council Bluffs, and Iowa City congratulating Eiboeck by name. *Iowa Staats-Anzeiger*, 5/16/1879.

23. Will Porter, *The Annals of Polk County, Iowa, and the City of Des Moines* (Des Moines, 1896), 409.

24. On the convention and its resolutions, see "The Dealers Deliberate," *Iowa State Register*, 7/31/1879.

(whose product was officially illegal, even if the state's existing Prohibition law, last modified in 1858, was not enforced in most localities).²⁵

That also meant forging an alliance between the German and Irish anti-Prohibition camps. As Eiboeck makes clear in "Iowa's Prohibition Plague," the state's residents of Irish descent often resented the Germans for enjoying their beer while whiskey was taboo. Two years later, faced with the prospect of a statewide Prohibition referendum, Eiboeck joined W. H. Smythe and Louis Fritz as Polk County delegates at the "Liberal State Convention, for the Organization of an Iowa State Anti-Prohibition Club," held on November 22, 1881, in Iowa City ("liberal" because its members were anti-Prohibition supporters of "personal liberty"). After the passage of a resolution "that we will use all honorable means to defeat the proposed amendment at the polls," Eiboeck was elected to the organization's executive committee representing Iowa's Seventh Congressional District.²⁶

Even after the passage of the Mulct Law in 1894, Eiboeck's work was not done. In 1910 he became founding president of the German-American Liberal State Association of Iowa (*Deutsch-Amerikanischer Liberaler Staatsverband von Iowa*). With some 16,000 members statewide, it lobbied against Republican efforts to re-introduce a Prohibition amendment to the state constitution. Behind those efforts the association detected "the dark spirit of intolerance and nativism."²⁷ In his later life, Eiboeck's talents as speaker were enlisted for political campaigns in Ohio, Indiana,

25. To promote the formation of a "*Staats Protektiv Verein*," Eiboeck called for unity among brewers and liquor dealers: "*Die Zeit, in der sich die Brauer und Liquorhändler feindlich gegenüber standen, muss vorüber sein, denn wie die Erfahrungen [sic] der letzten Jahre lehrt [sic], sind die Temperenzfanatiker entschlossen, die Fabrikation und den Verkauf des Bieres gerade so positiv zu verbieten, wie sie bereits den Schnapps verboten haben*" (The time in which brewers and liquor dealers regarded each other with enmity must end, for the experience of the last years teaches us that the temperance fanatics are determined to prohibit the manufacture and sale of beer just as strictly as they have already forbidden liquor). *Iowa Staats-Anzeiger*, 6/20/1879.

26. English wording of the resolutions quoted in *Iowa State Press*, 11/30/1881.

27. See the report on the organization's founding convention in Cedar Rapids on February 2, 1910, in the *Protokoll des sechsten Konvents des Deutschamerikanischen Nationalbundes der Ver. Staaten von Amerika, abgehalten vom 6. bis. 10. Oktober 1911 im Hotel New Welland zu Washington District of Columbia* (n.p., 1911), 62.

Nebraska, Illinois, Minnesota, and the Dakotas,²⁸ and he served as president of the German-American Press Association of the West for several years.²⁹

By 1900, when "Iowa's Prohibition Plague" appeared as part of *Die Deutschen von Iowa*, Eiboeck's reputation extended well beyond the borders of the state, with his activities making national headlines in both English and German.³⁰ One particularly telling anecdote regarding the *Staats-Anzeiger's* influence in Iowa politics comes from the *New York Times* of July 22, 1885, which recounted the repercussions of a conversation that Eiboeck had with James B. Weaver, the former Iowa Republican who had bolted his party to serve as the presidential nominee of the Greenback Party in 1880 and was subsequently elected in 1884, with Democratic support, to represent Iowa's Sixth Congressional District.³¹ E. H. Gillette had been nominated as the Greenback candidate for lieutenant governor on July 7, with the provision that, if Iowa Democrats endorsed Gillette for lieutenant governor when they met in convention on August 19, the Greenback Party would endorse the Democratic candidate for governor.³² Democrats and Greenbackers thus hoped that, by combining their tickets, they might garner enough votes to defeat

28. "Joseph Eiboeck," in *Representative Men of Chicago and the World's Columbian Exposition*, 2:482. Eiboeck's account of his "thousand-mile" South Dakota speaking tour reveals that he traveled the state to address groups in German in advance of the October 1, 1889, vote on the adoption of the new state constitution: "Eine 1000 Meilen lange Campagne-Reise in Süd Dakota," *Iowa Staats-Anzeiger*, 10/10/1889.

29. "Der Verstorbene gehörte ebenfalls dem Deutsch-Amerikanischen Preßverband des Westens an, dessen mehrjähriger Präsident er war, und seit den letzten Jahren dessen Ehren-Präsident." "Joseph Eiboeck—Redakteur und Herausgeber des 'Iowa Staats-Anzeigers' gestorben," *Iowa Staats-Anzeiger*, 1/10/ 1913. It is unclear whether this organization was distinct from the *Deutsch-Amerikanischer Preß-Verein von Iowa Süd-Dakota und Nebraska*, which Eiboeck served as president in 1905. *Protokoll und Vorträge der Fünften Jahres-Convention des Deutsch-Amerikanischen Preß-Vereins von Iowa Süd-Dakota und Nebraska* (Muscatine, 1905), 1 [Wisconsin Historical Society Library, Pamphlet Collection, 61-6176].

30. A. K. Bailey, "Pioneer Editors of Northeastern Iowa," *Annals of Iowa* 5 (1901), 120; Price, *History of Clayton County*, 124.

31. "The Liquor Question in Iowa," *New York Times*, 7/22/1885.

32. On the combined Democratic-Greenback ticket, see *Appleton's Annual Cyclopaedia and Register of Important Events of the Year 1885*, new series, vol. 10 (New York, 1887), 500.

William Larrabee, the Republican candidate who eventually won the election. At issue for Eiboeck was that the Iowa Greenback Party had supported passage of the state's 1884 Prohibition law and that Gillette had once been "a zealous Prohibitionist."³³ With the Democrats in the 1885 election supporting repeal of the 1884 Prohibition law, Eiboeck wished to learn more from Weaver regarding Gillette's position on continued Prohibition, should he be elected with the help of Democratic votes. Weaver, perhaps believing that his response would be read only by a German American audience, assured Eiboeck that Gillette was certainly against the existing Prohibition law and, if elected, would convene an anti-Prohibition committee in the state senate.³⁴ State Republicans immediately had Weaver's comments translated and circulated, causing Weaver to issue a retraction. The chairman of the Democratic State Committee was then compelled to request clarification from Gillette on his position. Gillette replied that he favored all means to curb intemperance and that he would follow the will of the people at the ballot box, a standard response of politicians who did not wish to be pinned down on the subject. The *New York Times* concluded that "Mr. Gillette's ingenuity in the emergency is likely to prevent the hubbub that Col. Eiboeck had nearly precipitated."

The "hubbub" over Weaver's translated remarks is just one example of how the Iowa debate over Prohibition crossed linguistic boundaries. The *Staats-Anzeiger* and the *Iowa State Register* regularly traded jabs. Eiboeck openly derided "the Clarksons" (Coker Clarkson and his sons James and Richard, who owned and operated the *Register* from 1870 to 1902), and they responded

33. On the Greenback Party's position on the 1884 Prohibition Act, see Clark, "Liquor Legislation, 1878-1908," 537.

34. Eiboeck's original comments from the *Iowa Staats-Anzeiger* of July 16, 1885, read as follows: "Herr E. H. Gillette, der von den Greenbackern aufgestellte Kandidat für Vice-Gouverneur[,] war einst ein eifriger Prohibitionist und so waren viele Tausende, die aber jetzt von ihrer Blindheit kurirt worden sind. Persönlich haben wir mit ihm keine Rücksprache nehmen können, dagegen versicherte Gen. J. B. Weaver dem Schreiber dieser Zeilen[,] daß Herr Gillette positiv gegen das bestehende Prohibitions-gesetz sei, weil dasselbe den Schnappssuff befördere und die leichteren Getränke verdränge. Er sagte auch[,] daß Herr Gillette im Falle seiner Erwählung ein Anti-Prohibitions-Committee im Senat ernennen würde."

in kind, calling Eiboeck “daft.”³⁵ This pattern repeated itself across the state. Franz Florencourt, editor of the *Carroll Demokrat*, accused the Republican editors of the *Denison Review* of hypocrisy, claiming that they had plans to smuggle in “the best stuff” once the new Prohibition law went into effect on July 4, 1884.³⁶ Some six weeks later, in an English-language editorial modeled on Eiboeck’s practice, Max Otto of the *Iowa City Post* responded to the *Iowa City Republican*’s accusation that his paper had fomented the city’s anti-Prohibition riot of August 13, 1884, asserting that the Prohibitionist “spies, informers, and sneaks” who had brought charges against two of the city’s brewers under the new law were truly to blame for the violence.³⁷

Perhaps most importantly, the German-English dynamic in state politics did not apply merely to disputes between Republicans and Democrats, but could play a role in intra-party squabbles as well. As German Iowans cast about for a party that would represent their anti-Prohibition interests, Eiboeck and others flirted briefly with the short-lived Anti-Monopoly Party, which drew support from Republicans as well as Democrats. When Eiboeck spoke at the Anti-Monopolist state convention in July 1874 in favor of including a license plank in the party platform, his rhetoric displeased Democratic Party chairman John P. Irish, who helped to defeat the corresponding resolution and sought to discredit Eiboeck afterwards by sending a poisoned-

35. When Prohibitionists scored a victory, the *Register* noted, “Carry the news to Col. Eiboeck.” *Iowa Staats-Anzeiger*, 7/23/1874. And when the *Register* sought to assure its readers that, contrary to a report in the Associated Press, the conversion of the German-language *Iowa Tribune* (Burlington) from a Republican to a Democratic paper had nothing to do with temperance politics, but was merely a result of a change of ownership, Eiboeck explained, “The dispatches were right and the *Register* wholly wrong. The fact is that simply one member of the ‘Tribune’ firm withdrew, and there is no other change of proprietors whatever.” *Iowa Staats-Anzeiger*, 10/27/1884. On the Clarkson’s tenure as publishers of the *Register*, see William B. Friedrichs, “The Newspaper That Captured a State: A History of the *Des Moines Register*, 1849–1985,” *Annals of Iowa* 54 (1995), 313–17.

36. See the column “Man soll dem Prohibitions-Gesetze gehorsam sein” under “Carroll und Umgegend,” in *Carroll Demokrat*, 7/4/1884. A digital clipping of this column with English translation can be found at <http://germansiniowa.lib.uiowa.edu/neatline/show/newspaper-map#records/55>.

37. *Iowa City Post*, 8/20/1884.

pen letter to the *Dubuque National-Demokrat*, asking that it be translated so that German Iowans might know of Eiboeck's "indiscreet inclination to lead the minds of his German fellow-citizens astray."³⁸ Eiboeck responded the following week in the *Staats-Anzeiger* by printing in both German and English an affidavit, signed by the editors of the *Iowa State Leader* and other leading Des Moines citizens, that Irish had "either maliciously or ignorantly misrepresented the speech."³⁹ Irish was himself a newspaper editor, in charge of the *Iowa State Press* in Iowa City from 1864 to 1882, and Eiboeck asked with some justification why Irish had not chosen to publish his letter in English in his own newspaper. At the very least, it would seem that Irish, like Eiboeck, understood how to navigate the state's multilingual press landscape to his own advantage.

OUR JOINT TRANSLATION of Eiboeck's memoir attempts to recover one slim slice of the polyglot politics that thrived in Iowa prior to the so-called Babel Proclamation, signed by Governor William Harding on May 23, 1918, which outlawed the speaking of all foreign languages in public for the remainder of World War I and ushered in the demise of the state's foreign-language press.⁴⁰ Our collaboration took place in spring 2016 as an independent study seminar in conjunction with "German Iowa and the Global Midwest," a public humanities initiative at the University of Iowa on German immigration to the state. As part of the project's efforts to make German-language source materials on Iowa history available online, our research tandem

38. *Iowa Staats-Anzeiger*, 7/30/1874. Copies of the *Dubuque National-Demokrat* do not survive for 1874, but Eiboeck printed Irish's letter in both German and an English back translation in the same July 30 issue of the *Staats-Anzeiger*. On Irish's support for the Anti-Monopolist Party, see Jensen, "Iowa, Wet or Dry?" 265.

39. Signers of the affidavit, besides W. W. Witmer and W. E. Andrews, editors of the *State Leader*, were Conrad Beck, Crom. Bowen, Frank Casady, John Hermann, M. H. King, Joseph Lehner, W. H. McHenry, M. McTighe, Thomas W. Parker, Phillip Nau, Louis Scholtz, Alex. Shaw, Hoyt Sherman Jr., J. C. Warner, and W. W. Williamson. *Iowa Staats-Anzeiger*, 7/30/1874.

40. See Nancy Derr, "The Babel Proclamation," *Iowa Heritage Illustrated* 85 (2004), 128-44; and Stephen J. Frese, "Divided by a Common Language: The Babel Proclamation and Its Influence in Iowa History," *The History Teacher* 39 (2005), 59-88.

produced translations of Eiboeck's Prohibition memoir together with representative articles from the German-language press in Iowa on subjects such as slavery, the state's 1914 referendum on woman suffrage, and the early rise of the Nazi Party.⁴¹

Our goal has been to produce an accurate, readable translation that as much as possible preserves Eiboeck's rhetoric. The original text is very much a product of the nineteenth century, complete with the era's prejudices regarding Muslims, Native Americans, and women. Eiboeck's rationalization of violence against Prohibition supporters is at times shocking: he suggests, for example, that George C. Haddock, the Sioux City pastor who was murdered for being too effective in his efforts to shutter the city's saloons, had only himself to blame for his death.⁴² In producing our final text, we have tried to find a happy medium between English idiomaticity and adherence to Eiboeck's phrasing and word choice in the original. Eiboeck objected not to social drinking, but to asocial drinking: he thus singles out intoxication behind closed doors as the true social ill of alcohol and places repeated emphasis on the terms *das heimliche Trinken* (drinking in secret) and *der heimliche Suff* (clandestine drunkenness). Given the centrality of these terms for Eiboeck's argument, we have retained them in parentheses in our translation. Eiboeck's use of the term "liberal" derives from the "personal liberty" motto of anti-Prohibitionists; "liberal-minded" citizens (pp. 23, 30, 41) thus refers to "anti-Prohibition" citizens and does not denote party allegiance per se. When called for, we have chosen vocabulary that Eiboeck's Anglophone contemporaries would have used, favoring "blind pig" over "speakeasy"

41. The project's interactive newspaper map features select articles from the *Sioux City Volksfreund*, the *Carroll Demokrat*, the short-lived *Iowa Wöchentliche Post* (Des Moines), the *Waverly Phoenix*, and the *Dubuque National-Demokrat*, as well as links to digitized issues of the *Davenport Demokrat*, the *Freie Presse* (Council Bluffs), the *Denison Zeitung*, the *Crawford County Demokrat*, and the *Denison Herald*. See <http://germansiniowa.lib.uiowa.edu/neatline/show/newspaper-map>. The site also contains German transliterations and English translations of additional chapters from Eiboeck's *Die Deutschen von Iowa*, originally published in blackletter font. See <http://germansiniowa.lib.uiowa.edu/exhibits/show/eiboeck>.

42. See pp. 62–64 below. See also the documentation of the exchange between Eiboeck and Ernst Hofer, Republican editor of the *Iowa Staats-Zeitung*, regarding Haddock's murder in Swenson, "Ernst Hofer," 587–88.

for the original *Trinkbude*, and the term “searchers” for the Prohibition “spies” (*Spitzel/ Spione*) who sought to profit from the fines collected from violators of the 1884 Prohibition law (see fig. 9). When citing the original text, we have preserved Eiboeck’s original orthography, which differs slightly from current practice following the German language spelling reforms of 1901 and 2006. Square brackets ([]) denote interpolations in the original text to clarify meaning or correct errors. The page numbers of Eiboeck’s original text also appear in brackets to facilitate comparison with the German text; the passage that appears between markers “[p. 122]” and “[p. 123],” for example, is a translation of page 122 of *Die Deutschen von Iowa*.

The following text has emerged from a collaborative student-faculty writing process. Lucas Gibbs produced an initial draft translation of the original text, guided by weekly joint meetings to discuss and clarify the idiosyncrasies of Eiboeck’s nineteenth-century German Iowan idiom. Glenn Ehrstine then revised the translated text, making corrections as needed, but also preserving successful turns of phrases from Gibbs’s draft translation wherever possible. Ehrstine subsequently annotated the complete text and wrote the introduction. Any errors found here are wholly the responsibility of Glenn Ehrstine.

Iowa’s Prohibition Plague

THERE’S A JOKE in Würt[t]temberg, home of the Swabians: if a Swabian turns 40 without having gotten some sense into his head, then he’ll never be sensible. One might apply this proverb to a class of Anglo-Americans in Iowa, for in 40 years they have not yet come to their senses nor realized that, in the long run, a law prohibiting the consumption and production of spirits cannot be enforced. Nor have they realized that the reasonable enjoyment of such beverages has never previously been regarded as a sin or crime, other than by opium-consuming Turks and by intolerant Puritans, who, in accordance with the narrow-minded and intolerant worldview of their forebears, see the world as a vale of tears and life as penance, and who have thus developed no reasonable understanding of the world and its

inhabitants.⁴³ By contrast, Germans have been taught since time immemorial that, when done in moderation, a person can indulge in all good things, and even if the Roman historian Tacitus said of our forefathers in the primeval forests along the Rhine that “they always drank yet another” and was astounded at their capability in this regard, he nonetheless failed to see that the original Germans were not pampered and coddled like the Romans and could thus stomach more.⁴⁴ And since the drinking of godly wine and of noble barley juice [i.e., beer] was not forbidden to them, they learned to enjoy the same within reason, and in this way Germans became [p. 122] and remained a people strong in body and spirit, fearing God alone and hating only hypocrites and the sanctimonious.

The state of Iowa was, as described in a previous chapter, first settled en masse by Anglo-Americans who moved west from the eastern states of the Union and established themselves in Iowa. They brought with them their eccentric worldviews, which they had acquired in New England from Puritans who had been expelled from England. They began immediately to impose their doctrines and opinions on others, and as their rhetorical appeals were unsuccessful, they took recourse in creating new legislation to accomplish what reasonable means could not.

As early as the late 1830s a movement seeking to forbid the consumption of fermented and distilled beverages was already in progress in the eastern United States. In New York there were “The Sons of Temperance,” in Boston “The Washingtonians,”

43. Eiboek deals here in prejudices. While the use of opium has traditionally been more socially acceptable in Islam than that of alcohol, the Qur'an forbids the consumption of all intoxicants. See Juan Eduardo Campo, “Dietary Rules,” in *The Oxford Encyclopedia of the Modern Islamic World*, ed. John L. Esposito, 4 vols. (New York, 1995), 1:375-77. Eiboek's later comments on Turks make apparent that he holds an Orientalized view of Islam as an inherently decadent religion. Taverns were a fixture of Puritan society. See Bruce C. Daniels, “Drinking and Socializing: Alcohol, Taverns, and Alehouse Culture,” chap. 3 of *Puritans at Play: Leisure and Recreation in Colonial New England* (New York, 1995), 141-62.

44. The ethnographic work *Germania* (ca. 98 C.E.) by the Roman historian Publius Cornelius Tacitus contains the first historical account of the Northern European regions of present-day Germany. The work was rediscovered in 1425, and its valorization of Germanic tribes as noble savages, while likely intended as a critique of Roman mores, has long served German historians as evidence for the virtue of German customs.

and in Maine the "Father of Prohibition" had already begun to campaign against the consumption of spirits.⁴⁵ He did so on the basis of intolerance, exactly as the Puritans once condemned adherents of other faiths as heretics and burned women who did not observe their religious beliefs as witches. These were the sort of people who came to Iowa from Maine, Vermont, New Hampshire, and Oberlin, Ohio, and unfortunately formed the majority of the state population at the time. They impressed upon the state their stamp of intolerance at the moment of its founding by declaring in the state constitution that Iowa should never participate in the production or sale of intoxicating beverages.

The earliest anti-temperance meeting to be convened in the state of Iowa took place in Davenport on February 18, 1852. It was a popular assembly, at which the Honorable Hans Reimer Claussen gave a rousing speech against the introduction of such coercive laws.⁴⁶ A. F. Mast, who hailed from Germany and served for several terms as mayor, chaired the meeting, during which participants proposed and adopted energetic resolutions against Prohibition.⁴⁷

45. The Sons of Temperance was founded in 1842 in New York City and quickly became a nationally recognized fraternal organization. The Washingtonian Temperance Society or Washingtonian Total Abstinence Society, a predecessor of Alcoholics Anonymous, was founded by six reformed alcoholics in 1840. The "Father of Prohibition" was Neal Dow (1804-1897), mayor of Portland, Maine, who helped to draft the first prohibition law at the state level in the nation, the Maine Law of 1851. The Sons of Temperance was active in Iowa soon after the state's founding, forming a state division in 1848, with nearly 80 local divisions by 1850. See Clark, "Liquor Legislation, 1846-1861," 57-59. For a discussion of these movements in a national context, see Jack S. Blocker Jr., *American Temperance Movements: Cycles of Reform* (Boston, 1989).

46. Claussen had immigrated to Davenport in 1851, anticipating the 1852 decree by the King of Denmark banishing him from his Schleswig-Holstein homeland for his leading role in the 1848 uprisings there. He set up a thriving law practice and, despite his anti-temperance stance, served as a prominent Republican state senator from 1870 to 1874. See Richard, Lord Acton, "A Remarkable Immigrant: The Story of Hans Reimer Claussen," *Palimpsest* 75 (1994), 87-100. Among his biographies of notable German Iowans in Davenport, Eiboeck devoted five pages to Claussen alone, calling him "the most eminent German-American statesman of Iowa." Eiboeck, *Die Deutschen von Iowa*, 409-14.

47. In 1852 August F. Mast became the second German American to serve on the Davenport City Council and held other important city offices during his life, including postmaster, recorder, and treasurer. Eiboeck's assertion that he

The state of Iowa was admitted to the Union in 1846, during a [p. 123] time when there were only two large political parties, the Democrats and the Whigs. Six years later, upon the death of the party's grand leader, Henry Clay, the Whig Party dissolved. In its place, the Free Soilers and abolition parties arose, together with a Know Nothing Party, which for several years, beginning in 1853, threatened to consume all other parties. This party grew out of the inborn hate of Puritan Anglo-Americans against all foreigners and those of other faiths, especially Catholics. The persecution of Germans and Irish in the larger cities of the U.S. as well as the atrocities of the Know Nothings in the following years in Cincinnati and Louisville: these have entered the history books, providing proof of the intolerance of a class of people whose forefathers had left their home country once their freedom of conscience was infringed upon, only to become equally if not more intolerant and oppressive, all in the name of their one-sided religion which will suffer no other beside it.⁴⁸ As a boy, the author of this account witnessed time and again the defamations and persecution of Germans by the Know Nothings; at the time, he swore to himself that when he reached manhood he would fight this impudent lot.

On account of these xenophobes, the state legislature presented to voters a referendum on complete prohibition in 1855, under which the production as well as the sale of wine, beer, and spirits was to be forbidden.⁴⁹ The referendum passed by

served for several terms as mayor of Davenport is incorrect, however, and Eiboeck himself makes no mention of such an office in his brief biographical sketch of Mast's life later in his book. Eiboeck, *Die Deutschen von Iowa*, 420–22. See also Harry E. Downer, *History of Davenport and Scott County, Iowa* (Chicago, 1910), 829.

48. In 1855 supporters of the anti-immigrant Know Nothing Party, officially known as the American Party, sought by force to prevent immigrant residents from voting in municipal elections in Cincinnati (April 2) and Louisville (August 6). Both cities erupted in violence, with deaths on both sides. See William A. Baughin, "Bullets and Ballots: The Election Day Riots of 1855," *Bulletin of the Historical and Philosophical Society of Ohio* 21 (1963), 267–72; and Wallace S. Hutcheon Jr., "The Louisville Riots of August, 1855," *Register of the Kentucky Historical Society* 69 (1971), 150–72.

49. For a discussion of the provisions of the 1855 law, its passage by referendum, and the question of its constitutionality, see Clark, "Liquor Legislation, 1846–1861," 72–80.

5,000 votes. Cities such as Dubuque and Davenport produced majorities against the bill, but the New Englanders in the central part of the state voted almost unanimously in favor, and the bill was thus adopted, a curse to the state and to true moderation ever since. If the vote had been held two years later, the newly arrived German settlers, who would have been in Iowa for five years at that point, would have been able to cast their vote, and the state prohibition legislation would have been tossed out. Our otherwise beautiful and abundant state was from the outset dominated by xenophobes, as indicated. [p. 124] That much was evident, for in Wisconsin and afterwards in Nebraska and other states foreigners could vote in state elections after a mere one year's residency, while in Iowa they have to wait five years before this privilege is granted to them.⁵⁰ The legislature that adopted the first of Iowa's prohibition laws was dominated in the majority by Whigs. This majority was composed of Democrats, Whigs, and anti-Nebraska types, who later in the same year combined to form the Republican Party.⁵¹ The Whigs and the anti-Nebraskans, with the help of a few Democrats, pushed the fateful law through. It proved to be a disaster for the state in the true sense of the word in that it not only failed to reduce inebriation, but rather, as a result of the ban's false "improvement theory," created an even greater craving for the forbidden fruit and helped to foster clandestine drunkenness (*der heimliche Suff*), the worst form of immoderation.

50. Iowa's waiting period was the norm: federal law required aliens to reside in the United States for five years before they could become naturalized, and in most states, only (adult male) citizens could vote. However, in 1848, Wisconsin introduced "alien intent" or "declarant non-citizen suffrage," which extended voting rights to male aliens who had resided in the state for two years and filed paperwork declaring their intention to become citizens. Indiana's revised constitution introduced a one-year waiting period in 1851. See Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States*, rev. ed. (New York, 2009), 27, 315 (Table A.4); and Kirk H. Porter, *A History of Suffrage in the United States* (Chicago, 1918), 119–22.

51. On the political realignment in Iowa that took place following the passage of the Kansas-Nebraska Act, which repealed the Missouri Compromise and threatened to make Nebraska a slave state (which the "anti-Nebraska" movement opposed), see Robert Cook, *Baptism of Fire: The Republican Party in Iowa, 1838–1878* (Ames, 1994), 52–71.

Prior to Prohibition, saloon licenses cost \$6.25 quarterly or \$25 annually, and one seldom heard complaints about such establishments. And that was true even though every corner store kept a barrel of whiskey available from which any patron could help himself free of charge as much as he liked.

After July 4, 1855, when the new law took effect, things changed.⁵² It was all over. Just one person per county, a county agent, who ran the "County Grocery," was permitted to sell spirits, and then only for medical, mechanical, cooking, and religious purposes. Most pharmacists sold such beverages regardless, both then and later, despite all prohibition laws.

The year 1858 was a turning point. Political turbulence was particularly high, and the still young Republican Party, already in the majority in the state, realized that they could never retain majority status without German votes. Conscious that Germans and liberal-minded citizens despised the law against spirits [p. 125], beer and wine included, and that in Davenport, Dubuque, and elsewhere people agitated openly against the law's instigators and the party that sought to defend it, a law was adopted by the next legislature that permitted the sale of beer, wine, and cider that was made with barley, grapes, and fruit grown in Iowa, provided the majority of the local community was in favor.⁵³ All this to preserve votes, particularly those of Germans, for the party. The law was a pure political gimmick on the part of politicians of the time, such as Samuel J. Kirkwood, the later famed wartime governor, who, during a gathering of Republicans exclaimed, "Give the Dutch their slop!"⁵⁴ Mr. Kirkwood was like the vast majority of Anglo-Americans—he believed that drinking was the main thing in life for Germans, and if one were to give them their beer then they would be satisfied; he couldn't understand that the issue centered on a principle of the highest importance. He later recognized his error, however, and the older he grew, the more liberal-minded he became in this regard. Instead of preventing the consumption of stronger spirits, such as whiskey and

52. The law took effect on July 1, 1855. Eiboeck may be confusing this date with that of the 1884 prohibition law, which took effect on July 4.

53. Clark, "Liquor Legislation, 1846-1861," 86-87.

54. The German text gives this quote in the original and then translates it as "*Gebt den Deutschen ihr Spülwasser!*"

brandy, the new law saw an equal amount, if not more of the same libations consumed. Strong drink was forbidden, and because it was forbidden, people (especially Anglo-Americans) craved it. Saloon proprietors had no choice but to offer strong spirits, in many cases against their will, since with beer alone they would not have been able to survive. Consequently, in nearly every bar, despite the high penalty, brandy was sold under the name *ein Kurzer*,⁵⁵ or under the name of "wine" or "cider."

Now and then saloon proprietors were taken to court and, in predominantly Anglo-American communities, sentenced. Nevertheless, the sale of the forbidden libations continued. In cities where no concession for the sale of the weaker beverages was granted, there were establishments, usually drug stores, that before the amended Prohibition law had come into effect [...] usually County Agencies, and as such were the only ones licensed to sell intoxicating beverages.⁵⁶ In these establishments [p. 126], schnapps was now sold as medicine, consequently promoting drinking in secret (*heimliches Trinken*), a custom that still exists today.

Those who agitated for a complete suppression of the production and sale of all alcoholic beverages held meetings daily on how to implement their ideas. Many of them were upright and honest in their fight against the "rum power" (*Rum-Macht*), their preferred term for saloon proprietors, brewers, etc. They thought they were in the right, that everything evil, terrible, and morally reprehensible stemmed from the enjoyment of stimulating beverages. Mohammad believed and taught the same thing, and there is no people in the world that calls itself civilized and yet is more degenerate in its customs and morals than that which draws its doctrines from the Qu'ran, condemns wine, and instead uses hashish, which is a thousand times more damaging.⁵⁷

55. *Ein Kurzer* literally means "a short one," in reference to the relatively short height of a shot glass, and is still a common German term for a shot of liquor. From Eiboek's account, it's unclear whether patrons used the German term *per se*, or an English equivalent.

56. The syntax of the original German is faulty here, perhaps due to a typesetting error. The ellipsis marks the point of disjuncture.

57. In equating Prohibitionists with Muslims, Eiboek seeks to discredit the temperance movement as a perversion of Christian ideals. Cf. footnote 43.

In the time of Christ there was a sect that preached complete abstinence like the temperance advocates of today, condemning any and everyone who drank wine, even vilifying Christ himself as a drunk and glutton. These single-minded extremists could not forgive the Lord and Master for having in his omnipotence transformed water into wine at the wedding of Cana.⁵⁸ Bit by bit, the Sons of Temperance, the Good Templars, and other such groups became just as intolerant and persecution-crazed. In their first years they limited themselves to “moral suasion” — pamphlets, sermons, etc. — but later they took recourse to the power of the law. What they couldn’t achieve by persuasion, they wanted to impose through the penal code. It was this intolerance that brought about the first prohibition law, an intolerance that stemmed from the Puritans in New England, who wanted to enforce everything — religion, morals, decorum, etc. — through legislation. The law was a direct descendant of the infamous “Blue Laws” of New England, which made it punishable for a boy or girl to laugh too loud or run too fast, for a husband to kiss his wife on Sunday, or other proscriptions that made a mockery of personal liberty. They believed the state had to take charge of matters that parents and heads of families were incapable of accomplishing. [p. 127] Neal Dow of Maine, the founder of prohibition laws in America, who died in 1898, lived in an atmosphere of petty, intolerant Puritanism, which year in and year out preached nothing other than the complete subjugation of the mind, soul, and heart to the dogmas imposed by pastors and elders. These sorts of people presumably had honest and upright intentions but only produced discord and ruin for humanity and the world. Alcoholism is a great evil, it creates much misery and woe; nonetheless, Prohibition has created the worst form of inebriety and the greatest of all evils — clandestine drunkenness (*der heimliche Suff*). The tenet that it is immodest and immoral to consume alcoholic beverages in public and that it is thus better to keep them in private cabinets, in remote locations, and behind the curtains, etc., and to “nip” them there unseen: this has turned hundreds of thousands of drug stores in America into saloons and people into hypocrites

58. John 2:1-11.

and has accustomed hundreds of thousands to stronger instead of lighter drink.

Neal Dow's apostles continued to stir the pot without end. They influenced state elections with their incessant activities, so that their yes-men gained more and more power and were in a position to push through increasing restrictions from one legislative period to the next. The penalties for infractions grew increasingly worse. Proprietors accused of having broken the law were forced to provide evidence of their innocence, rather than placing the burden of proof on their accusers. Under the pretense of morals and religion, unethical attorneys took advantage of the law to shake down accused proprietors and to squeeze as much money as possible from them. Many of these law perverters were elected to the legislature, so that the prohibition act became increasingly subservient to shady lawyers and court clerks who relied on fees for their income. Proprietors had to pay higher bonds and were held responsible [p. 128] when a man who had drunk too much committed a misdemeanor or greater crime, even if the accused had given him only one glass or often no glass at all of the beverages in question. Lawsuit followed lawsuit, ruining many good and reputable saloon proprietors, who were often replaced by worse people of lesser character who had nothing to lose and were interested only in extracting as much money from the establishment as possible. The position of proprietors became worse and worse. They were constantly hounded, with the result that outside of large cities, in areas where the foreign-born were numerically too weak to decide elections, saloon proprietors were in constant danger of having their licenses revoked by the local authorities, which took place repeatedly. In many cities in the interior of the state, one or two years might pass without a single public inn being allowed to operate, leading again to drinking occurring only in private clubs, societies, and drug stores. It was a constant battle, taken up anew each year, one that generated an ever worsening bitterness and hatred among citizens during every local election. Neighbor set upon neighbor; old friends were transformed into bitter enemies, and instead of living in peace and harmony, residents of the state's smaller towns lived in continual discord and strife.

Anti-saloon crusades—incited by temperance fanatics, usually sensationalist preachers who were otherwise unable to maintain a congregation—became more frequent at this time. This particular variety of clergymen knew how to excite their listeners, especially the women among them, to such an extent that they often marched in formation from their houses of worship through the streets, singing and praying while they stormed saloons, where they poured out all spirits and destroyed tables, chairs, and other furnishings.⁵⁹ It was mostly women who were incited and spurred on by these fanatical pastors and who, in their dazzlement or [p. 129] over-excitement, committed acts that they were later ashamed of and regretted.

As one might expect, the struggle over prohibition soon moved from local politics to state politics, forcing the two large parties, the Republicans and the Democrats, to take a position on the issue. Temperance advocates had aligned themselves with the Republican Party shortly after the party's founding in Iowa in 1855 and had since maintained their allegiance. Since the Republicans were the dominant party at the time, supporters of temperance could achieve their goals better through them than through the Democrats. By constantly stirring the pot, they gradually forced Republican politicians to make their party expressly pro-temperance. When a resolution in favor of repealing Prohibition was put forward at the 1874 state Democratic convention in Des Moines, causing heated debate, Republican Party leaders were persuaded by the cajoling of temperance supporters to adopt an explicitly anti-alcohol stance, even if some of them did so reluctantly. They simply feared temperance advocates more than temperance opponents. At its state convention of 1875, the Democratic Party adopted a resolution for a sensible "license law" instead of Prohibition, and the Republicans adopted the principle of temperance, against licenses. So it went from year to year until 1877. In that year during their state convention, the Republicans adopted the following resolution for their platform:

Resolved, that we are in favor of the rigid enforcement of our present prohibitory liquor law and any amendment thereto that

59. See the comments on the "Ohio Woman's Movement" and the founding of the Iowa chapter of the Woman's Christian Temperance Union in November 1874 in Clark, "Liquor Legislation, 1861-1878," 357-59.

will render its provisions more effective in the suppression of intemperance.⁶⁰

In the same year, temperance advocates put forward their own ticket for state elections, despite the above resolution on the part of the Republicans.⁶¹ It garnered 10,545 votes. [p. 130]

In 1878 the Republican state convention adopted the following plank for its platform:

Resolved, that personal temperance is a most commendable virtue in a people, and the practical popular movement now active throughout the State, for the promotion of temperance, has our most profound respect, sympathy, and approval.⁶²

In 1879 the Republican state convention adopted the following resolution:

We reaffirm the position of the Republican party heretofore expressed upon the question of Temperance and Prohibition, and we hail with pleasure the beneficent work of reform clubs and other organizations in promoting personal temperance, and in order that the entire question of prohibition may be settled in a non-partizan [*sic*] manner, we favor the submission to the people, at a special election, of a constitutional amendment prohibiting the manufacture and sale of all intoxicating liquors as a beverage, within the State.⁶³

60. Quoted according to the English resolution found in Clark, "Liquor Legislation, 1861-1878," 369. We were unable to find a comparable resolution in the 1877 Republican platform as recorded in the *Manual of Iowa Politics, State and National Conventions, Platforms, Candidates, and Official Vote of All Parties, from 1838 to 1884*, ed. Herbert S. Fairall (Iowa City, 1884), 103-4.

61. On the formation of an Iowa Temperance Party in 1875, see Clark, "Liquor Legislation, 1861-1878," 359-64. The 1877 platform of the Temperance Party can be found in the *Manual of Iowa Politics*, 107. Under point 4, it contains the following resolution, which is similar to the Republican resolution of 1877 that Eiboek gives above: "Therefore, we insist upon the maintenance and enforcement of our prohibitory law, and upon such amendments thereto as will place ale, wine, and beer under the same condemnation as other intoxicating liquors."

62. Quoted according to the original wording of Resolution 15 of the 1878 Republican platform as found in the *Manual of Iowa Politics*, 113.

63. Quoted according to the original English resolution found in Clark, "Liquor Legislation in Iowa, 1878-1908," 506. Eiboek translates "the question of prohibition" above as "die Frage über Zwangsmaßregeln" (the question concerning compulsory measures), which emphasizes the coercive nature of the proposed law for his readership.

This resolution was adopted lock, stock, and barrel by a slim majority of delegates. At the moment of passage, the convention was in a veritable tumult over the issue, and with the racket of all the howling and shouting, many did not understand the resolution's actual meaning. Nevertheless, it provided the impetus for a long and bitterly fought crusade against the production and sale of intoxicating beverages. Republicans defended their new political maxim while the Democrats adopted the opposing viewpoint. One party raised the banner of higher morals and ethics; the other defended the principle of personal liberty. Now and then, the Democrats won an occasional skirmish, i.e., they elected several anti-temperance lawmakers and county officials in response to the constant persecution by temperance supporters, but they could never gain the upper hand statewide. [p. 131] The Republicans still conjured the specter of the Civil War during elections, and the voters, persuaded that if the Democrats won, the Rebels would again take charge and the whole country would have to pay off the South's war debt, voted the Republican ticket. The Germans did the same, since the vast majority of them still belonged at that time to the Republican Party.⁶⁴ Consequently, that party remained at the helm of politics and had carte blanche to do as it wished. As mentioned earlier, although Germans were customarily more liberal-minded, Republican leaders had no fear of them, because they had already proven year in year out that they remained loyal to the party, regardless of which stance it adopted on the temperance question. Party leaders did fear temperance advocates, however, since the latter were organized and threatened to leave the party if it did not conform to their wishes. It was this fear of the Prohibitionists that made their victory in the previously mentioned convention possible.

64. German Iowans favored Democratic candidates in the elections of 1856 and 1860, largely due to the Republican Party's initial flirtation with Know Nothingism on the national level and Iowa Republicans' support for the initial prohibition law of 1855. Following the 1858 modification of the law to allow the production of beer from Iowa-grown grain, ethnic Germans gradually shifted their allegiance to the Republican Party, only to desert it again following passage of the 1884 prohibition law. See George H. Daniels, "Immigrant Vote in the 1860 Election: The Case of Iowa," *Mid-America* 44 (1962), 146-62; and Jensen, "Iowa, Wet or Dry?" 263-90.

The prohibition resolution was a two-edged sword for the Republican Party. It did not satisfy extremist agitators for temperance, and German Republicans began to realize that they would have to break with the party in order to prevent another tightening of the law. At the same time, they recognized that the resolution represented an imminent threat to the individual rights of citizens. This was the moment when a permanent organization of all opponents of Prohibition within the state should have been founded.⁶⁵ The leading German newspapers understood this and campaigned accordingly, at least those papers that were able to distance themselves from the Republican Party. Many Anglo-Americans were also prepared to join a more liberal-minded voting bloc, and corresponding attempts were made. The writer of these lines organized on his own initiative, without prompting, 80 liberal leagues throughout the state, and such agitation would have been successful if one had followed through with the matter properly, namely by formally breaking with the Republican Party. But no one wanted or dared to tell people that they should vote Democratic [p. 132], since that would have alienated liberal-minded Republicans, who would have then withdrawn their support. And yet, it would have been best to advocate for an alliance with Democrats. One should have declared war on the Republican Party and coalesced, at least temporarily, with the Democratic Party in order to make clear to the dominant party that it underestimated the power of the liberal-minded faction when it acquiesced to the demands of the Prohibitionists. This did come about later, but only when it was already too late, after the fateful prohibition amendment had been approved by referendum and adopted. Only then did Germans recognize the necessity of breaking with the Republican Party, but the horse had already bolted, and it was of no use to close the barn doors. We had been robbed of our liberty, and the realization came too late.

During the state convention of saloon proprietors, brewers, and liquor vendors, which was held on July 30, 1879, in Des

65. Eiboeck's original text here reads "*eine feste Organisation [...] sollte gegründet werden,*" which literally means "a permanent organization was supposed to be founded." This meaning does not fit the context, however; Eiboeck's usage in this case seems to have been influenced by English.

Moines and included other free-thinking opponents of the coercive legislation, a State Protective Association was founded with the following elected officials:⁶⁶

J. F. D[a]ugherty, President⁶⁷
 John Baumann, Vice President⁶⁸
 Louis Fritz, Secretary⁶⁹

66. Clark, who refers to this organization as the Protective Association of the State of Iowa, inaccurately gives its date of formation as January 19, 1881, and accords it a mere two sentences. Clark, "Liquor Legislation, 1878-1908," 514. Eiboeck's more detailed account is confirmed by a report on the convention in the *Iowa State Register*, 7/31/1879, which lists the official name of the organization as the State Protective Association of Iowa and gives additional information on the convention not found in Eiboeck, including the welcoming address by Des Moines mayor George Sneer. Eiboeck printed notices of the upcoming convention in both English and German in every weekly issue of the *Iowa Staats-Anzeiger* from June 20 through July 25, 1879.

67. Eiboeck refers here under the slightly misspelled name "Dougherty" to J. F. Daugherty, owner of a wholesale liquor business in Keokuk. For a discussion of Daugherty's efforts to circumvent prohibition, see Jerry Harrington, "Bottled Conflict: Keokuk and the Prohibition Question, 1888-1889," *Annals of Iowa* 46 (1983), 599, 608. See also Richard F. Hamm, *Shaping the Eighteenth Amendment: Temperance Reform, Legal Culture, and the Polity, 1880-1920* (Chapel Hill, 1995), 66-67. Daugherty regularly advertised in the *Iowa Staats-Anzeiger* (see fig. 6).

68. Baumann was better known as John Bowman, proprietor of the Marshall Brewery in Marshalltown (fig. 7). Born in Crailsheim, Germany, in 1820, he emigrated to the United States in 1847 and settled in Marshalltown in 1858 following stays in Pennsylvania, New Jersey, and Iowa City. See *The History of Marshall County, Iowa* (Chicago, 1878), 549-50; and Eiboeck, *Die Deutschen von Iowa*, 670-73. His sons George and Fred later assumed ownership of the brewery and were the plaintiffs in *Bowman v. Chicago and Northwestern Ry. Co.*, which reached the U.S. Supreme Court in 1888 and challenged Iowa's prohibition laws as an infringement on the federal government's power to regulate interstate commerce. See Hamm, *Shaping the Eighteenth Amendment*, 63-66; and Frederic H. Wines and John Koren, "The History of Prohibition in Iowa," in *The Liquor Problem in Its Legislative Aspects* (Boston and New York, 1897), 119-20.

69. Louis Fritz was born in Bavaria on October 11, 1844, grew up in New York state, and came to Iowa in 1867. Initially a cigar maker, he opened a saloon in Des Moines in 1876. On September 24, 1884, an injunction issued against Fritz forced him to close his establishment. Believing that an injunction could not be issued without a trial, Fritz challenged the constitutionality of the new prohibition law. On March 17, 1885, the Iowa Supreme Court held that the prohibition statute "was not contrary to the Bill of Rights; that a temporary injunction might properly issue in advance of trial upon the criminal charge; and that the purpose of such injunction was not to punish the alleged culprit." See Wines and Koren, "History of Prohibition in Iowa," 107-8. Clark touches briefly on the decision in Clark, "Liquor Legislation, 1878-1908," 546-47. For the court's deci-

C. Magnus, Treasurer⁷⁰

Executive Committee

1 st	Congressional District	Christ. Gener
2 nd	" "	John Noth
3 rd	" "	Adam Glab
4 th	" "	P. Fosselmann
5 th	" "	John Xa[nt]jen ⁷¹
6 th	" "	Kinsey Jordan
7 th	" "	M. McTigh ⁷²
8 th	" "	L. Kiescht ⁷³
9 th	" "	John Hormack ⁷⁴ [p. 133]

The convention enthusiastically adopted a string of sharply worded resolutions drafted by a committee consisting of the following gentlemen: Louis Fritz, Wm. Trimble, David Hodge, H. A. Zangs, Gustav Haerling, T. E. Müller, C. Geise, C. Magnus, and Joseph Eiboeck.⁷⁵

The Republicans won this election by nearly 80,000 votes.

sion in the case, *Littleton v. Fritz*, see *Reports of Cases in Law and Equity Determined in the Supreme Court of the State of Iowa*, vol. 7 (New York, 1886), 488–97. For a brief biographical sketch of Fritz, see *The History of Polk County, Iowa* (Des Moines, 1880), 805.

70. Owner of the Magnus Eagle Brewery in Cedar Rapids, Christian Magnus was also president of the Iowa Brewers' Association, 1881–1884, and led the organization's unsuccessful fight against state Prohibition. During its 1881 convention, held in May in Chicago, the United States Brewers' Association awarded \$5,000 in trust to Magnus "in aid of the brewers of Iowa in their struggle against legislative enactments inimical to their interests." United States Brewers' Association, *Twenty-First Annual Brewers' Convention Held in the City of Chicago, Ill.* (New York, 1881), 62. Magnus also advertised in the *Iowa Staats-Anzeiger* (fig. 8).

71. Eiboeck gives Xanten's name here incorrectly as "Xaniten." The name occasionally appears as "Zanten" in other sources. For a brief biography of Xanten, an Iowa City liquor dealer, see *History of Johnson County, Iowa* (Iowa City, 1883), 955.

72. The *Iowa State Register*, 7/31/1879, gives this name as "M. McTighe." McTighe was also one of the signatories of the affidavit accusing John P. Irish of misrepresenting Eiboeck's speech at the 1874 state convention of the Anti-Monopoly Party. See footnote 39.

73. The *Iowa State Register*, 7/31/1879, gives this name as "L. Kircht."

74. The *Iowa State Register*, 7/31/1879, gives this name as "John Hermick."

75. Eiboeck was thus himself a member of this organization and is presumably reporting here based on personal experience.

The political battles of 1880 and 1882 in Iowa were the most vigorous and embittered the state had ever seen. Even the campaigns directly preceding and following the Civil War paled in comparison. Still, as previously alluded to, if it had not been for the war question (or, as one called it, "waving the bloody shirt"⁷⁶), then the Republicans would have been defeated in both election years. But a certain and not insubstantial number of German Republicans remained faithful to the party.

The Democratic Convention adopted the following resolution at its state convention in Council Bluffs:

12. Resolved, that the Democratic Party of Iowa seeks to promote temperance, and because the party is against the unrestricted sale of liquor, the party endorses a sensible license law.⁷⁷

In the legislature of 1880, as a result of the Republican Party resolution, a proposal was adopted seeking to modify the state constitution via an amendment forbidding the production and sale of alcoholic beverages in Iowa. The only persons to vote against the measure in the House were representatives Beach, Belfrage, Bloom, Caldwell, Casey, Duncombe, Egbert, Ehl, Glasgow, Knight, McGregor, Mackey, Müller, O'Brien, Richardson from Jackson [County], Seaman, Simpson, Van Staden, Wadleigh,



Fig. 6. Advertisement for J. F. Daugherty's liquor dealership in Keokuk. From *Iowa Staats-Anzeiger*, 5/2/1879.

76. "Waving the bloody shirt" referred to the efforts of Republicans to secure Northern votes, particularly those of Civil War veterans, by reminding the electorate of the hardships of the war. See Stephen Budiansky, *The Bloody Shirt: Terror after Appomattox* (New York, 2008).

77. We have been unable to locate the original English wording of this resolution.

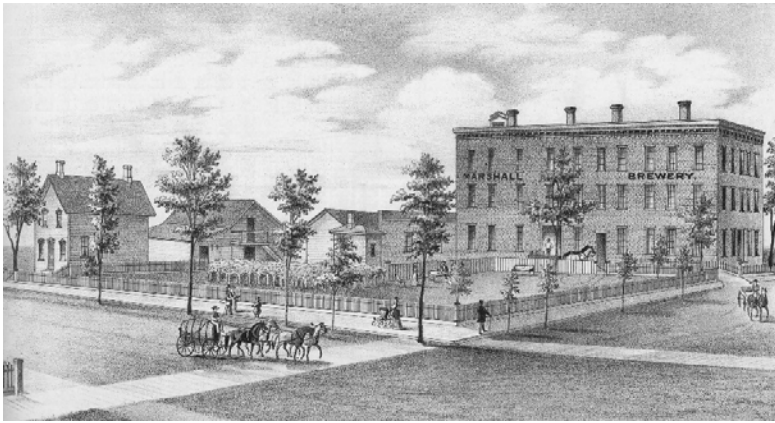


Fig. 7. Brewery & Premises of John Bowman, Marshalltown, Iowa. From A. T. Andreas' *Illustrated Historical Atlas of the State of Iowa* (Chicago, 1875).

and Wolf—21 votes in total,⁷⁸ all Democrats except Glasgow, McGregor, and Müller; the other 79 representatives, all Republicans, voted for the amendment.⁷⁹ [p. 134]

During the same legislative period an amendment in favor of introducing woman suffrage was adopted by the House with 56 votes for and 24 opposed.

In the Senate, the Prohibition amendment was adopted with the following votes. In favor: Arnold, Boling, Chase, Clark, Dashiell, Ford, Gaylor, Gillett, [G]oodekoontz, Greenlee, Harmon, Hartshorn, Hemenway, Johnson from Mahaska [County], Johnson from Winnesh[ie]k [County], Kimball, Lawrence, Llewellyn, Meyer, Nichols from Guthrie [County], Prizer, Russell from Jones [County], Turrill, Traverse, Wall, Webb, Wilson, Woolson, Wright, and Young—30 votes, all Republicans.⁸⁰ Opposed: Foster, Garber, Ham, Haines, Harned, Hebard, Henderson, Keller, Larrabee, Madison, Merrell, Mitchell, Nichols from Benton [County], Nielander,

78. Eiboeck lists only 20 names here, omitting Rep. W. A. Colton. See 1880 *Iowa House Journal*, 139.

79. Clark, drawing on the 1880 *Iowa House Journal*, 139, gives the vote tally in the House as 78 to 21. See Clark, "Liquor Legislation, 1878–1908," 510.

80. Clark and Eiboeck agree on the Senate vote tally. See Clark, "Liquor Legislation, 1878–1908," 510; and 1880 *Iowa Senate Journal*, 323.

Eagle Brauerei & Malz-Haus
[In 1839 etablirt.]

Den
ersten
Preis
erhalten
bei der
IOWA
Staats = Fair
in
1877.



Das
größte
und
einzige
derartige
Etablissement
erster Klasse
westlich vom
Mississippi.

Lager Bier, Ale, Porter, Malz und Hopfen.

Flaschen Bier!

Ich offerire hiermit dem Publikum vortrefliches abgeflasktes Lager Bier, Ale und Porter für
amillen Gebrauch und Kranke. Garantie für Aechtheit und Reinheit.

Preise:

Lagerbier, 1 Kiste, 2 Duz. Quartflasken...	4.00	Ale, 1 Kiste, 2 Duz. Quartflasken.....	4.50
3	Duz. Pintflasken.....	3	Duz. Pintflasken.....
	3.60		4.20

Porter zu demselben Preise wie Ale. Für das Duzend kostenfrei zurückgelieferte leere Quart-
flasken werde ich 60 Cents, für das Duzend Pintflasken 40 Cents und für jede Kiste 30 Cents zu-
ruckerstatten. Bedingungen baar.

C. MAGNUS, Cedar Rapids, Iowa.

Fig. 8. Advertisement for Christian Magnus's Brewery
in Cedar Rapids. From Iowa Staats-Anzeiger, 7/2/1879.

Patterson, Russell from Greene [County], Shelley, and Spencer — 19 votes. Senator Hanna was absent. Senators Foster, Garber, Larrabee, Nielander, and Shroder were Republicans. Russell from Greene [County] was an independent Republican. The others were Democrats.

The woman suffrage amendment was rejected by the Senate for fear that support for the Prohibition amendment would wither if the suffrage amendment was to go forward.

Since a resolution to amend the constitution must be adopted in two successive legislative periods before the matter can be put to a popular vote, the election campaign of 1881 was quite lively.

During their state convention of 1881 the Republicans declared:

That in pursuance of the uniform justice of the Republican Party to observe the pledges and perform the promises made and given

in its platforms, we declare that the provisions in the platform of 1879, for the submission of the so-called prohibitory amendment of the constitution of Iowa, to a vote of the people at a special and non-partisan election should be enforced.⁸¹

Foreseeing that the amendment would come to a referendum, liberal voters began to organize. The [p. 135] most significant public deliberation of the entire Prohibition battle took place in Iowa City on November 22, 1881.⁸² The convention was arranged for the afternoon, but in order to expedite the issue as quickly as possible, a preliminary deliberation was held earlier that morning.

During this preliminary meeting Mr. J. J. Snouffer of Cedar Rapids was elected chairman; Mr. Gust. Regier of the *Iowa Tribune* (Burlington) and Professor Max Otto of the *Iowa City Post* were elected as secretaries.⁸³ Mr. Snouffer, a well-known mill owner, gave a powerful speech in which he pointed to the danger of the prohibition amendment and earnestly urged opponents to get organized. Mr. Daniel Harker, Col. P. G. Ball-

81. Quoted from the original language of the resolution in *Manual of Iowa Politics*, 126. The full resolution continues after the above quote as follows: "in order that the good faith of the party may be maintained, and that the people in this government of the people, by the people, and for the people, may have an opportunity to express their wishes concerning the pending amendment, regardless of party affiliations, and with perfect freedom from all party restraint and influences." Cf. Clark, "Liquor Legislation, 1878-1908," 515.

82. Briefly noted in Clark, "Liquor Legislation, 1878-1908," 515-16. The convention referred to itself as the "Liberal State Convention, for the Organization of an Iowa State Anti-Prohibition Club." *Iowa State Press*, 11/30/1881.

83. Joshua Jacob Snouffer, of German descent, came to Cedar Rapids from Maryland in 1852. He was a carpenter and contractor, helped to found the Watrous Milling Company, and briefly served as captain of the steamboat *Blackhawk* on the Cedar River. See Snouffer's biography in *A History of Linn County Iowa from Its Earliest Settlement to the Present Time* (Chicago, 1911), 694-97; and John S. Ely, "Memories of Early Cedar Rapids," *Annals of Iowa* 36 (1962), 228-29. Max Otto was born in Düsseldorf in 1842 and arrived in Iowa City in 1866. He worked as a schoolteacher and proprietor of a music store before founding the *Iowa City Post* in 1881, which he published until his death on March 14, 1893. See *History of Johnson County*, 888. Gustav Regier was born August 5, 1842, in Marienburg, East Prussia, now Malbork in Poland. He apprenticed as a druggist and emigrated to the United States in about 1866. After serving as a Mennonite and German Evangelical preacher in Iowa, Nebraska, and Illinois, he joined the *Iowa Tribune* (Burlington) about 1879 as a traveling solicitor. He died on May 27, 1886, of heart disease. See the obituary for Regier in the *Burlington Hawk-Eye*, 5/28/1886.

ingall, J. P. Stibolt, and J. Eiboeck also addressed participants, and thereafter the following committees were appointed:

For the review of credentials: Capt. A. Peterson of Creston, G. C. Spreen of Fort Madison, and Georg Williams of Cedar Rapids.

For the drafting of resolutions: The Honorable J. P. Irish of Iowa City, Joseph Eiböck of Des Moines,⁸⁴ A. H. Hagemann of Burlington, S. R. Cheadle of Ottumwa, and Robert Raim of Council Bluffs.

For permanent organization: P. G. Ballingall of Ottumwa, Ch. Magnus of Cedar Rapids, and E. Derr of Creston.

During the afternoon session the Committee for the Review of Credentials reported that 39 counties were represented by 65 delegates.

The following is the register of delegates:

Henry Spreen, Lee County; Charles Mathes, A. Hagemann, G. Regier, Des Moines Co.; G. W. Franzell, Hon. Henry Funk, Dan. Harker, Muscatine Co.; Hon. J. P. Irish, Geo. J. Boal, Sam. D. Pryes, Red. C. E. Burnett, Max Otto, Hon. M. Bloom, J. M. B. Letovsky, Johnson Co.; Prof. Lerch (Mineola), Mills Co.; Joseph Eiböck, W. H. Smythe, Louis Fritz, Polk Co.; Capt. A. Peterson, Ed. Derr, Eugene Braunberger, Union Co.; Col. P. G. Ballingall, S. R. Cheadle, W. Keaner, Wa[p]ello Co.; August Herkel, representative for Kohn and Adler; Aug. Luett, representative for C. Tegeler and Co. [p. 136]; Peter Fries of Rock Island; D. Heist, R. F. Raim, Pottawattamie Co.; Ferd. Roddewig, John P. Stibold, Math. French, J. J. Schnaufel, Scott Co.; Leo. Williams, Conrad Lose, C. Magnus, F. Perkel, Joseph Schneider, Joseph Stolarch, Linn Co.; C. Carr, Chickasaw County.

The committee for permanent organization requested that Mr. P. G. Ballingall of Ottumwa be elected as permanent chairman and that the temporary secretaries also be elected as permanent.⁸⁵

84. It is surprising that Eiboeck and John P. Irish served together on this committee, considering that they had had a major falling out at the state convention of the Anti-Monopoly Party in July 1874. On the incident, see the introduction. "Eiböck" is an alternate spelling of Eiboeck, likely the original German version of the name.

85. Peter G. Ballingall was a Glasgow native and successful hotelier. He arrived in Ottumwa in 1859 after brief stays in Chicago and Keokuk. He was a prominent Democrat, was elected twice to the Iowa legislature, and led the

The assembly accepted the proposal. Mr. Ballingall assumed the podium and delivered a content-rich speech to the assembly, which was received with great applause.

Mr. John P. Irish, the chair of the committee for the drafting of resolutions, then read the following resolutions, which were adopted unanimously by the assembly:

Whereas a majority in both houses of the General Assembly of Iowa is pledged to the submission of the so-called Prohibition Amendment, and the people of our state will therefore soon be called upon to decide whether the manufacture and sale of intoxicating liquors, including wine, beer, and cider, should be prohibited under constitutional enactment or not; and

Whereas the affirmative of this question is supported by strong, active and thorough organization in nearly every district of the State, while the negative, though undoubtedly entertained by a majority of the people, is not thus represented, and there is great danger, therefore, that, through the absence of systematic and organized efforts to assert itself, this majority may be outvoted; now, therefore,

Believing that the spirit of the proposed amendment is radically opposed to and destructive of the fundamental principles of our institutions;

Believing, upon the evidence of official statistics and the experience of all time, that sumptuary legislation always has failed of its objects and always will; [p. 137]

Believing that the control of the traffic in intoxicating liquors is a proper subject for police regulation only, to be exercised with discretion and according to local conditions and necessities;

Believing that the agricultural, industrial, and commercial interests of our people would be seriously injured in many ways by the adoption of the proposed amendment to the constitution, without a single corresponding benefit; and

Believing, finally, that this is the accepted time to make a determined stand against the modern and dangerous tendency of the body politic to assume doubtful authority and invoke the exercise of the law-making power without limitation and discrimination, in direct conflict with the earlier teachings of the Republic,

Iowa delegation to the Democratic National Convention on three occasions. See *Portrait and Biographical Album of Wapello County, Iowa* (Chicago, 1887), 363–65. Ballingall visited Eiboeck at the *Anzeiger* offices in August 1884, which suggests that they were on good terms. *Iowa Staats-Anzeiger*, 8/14/1884.

We, the delegates of Anti-Prohibitionists in the state of Iowa, in State convention assembled, have this day

Resolved, that we will use all honorable means to defeat the proposed amendment at the polls;

Resolved, that to this end, and to this end alone, we hereby form an Anti-Prohibition Club, and recommend the formation of auxiliary clubs in all counties of the State;

Resolved, that this organization shall be strictly neutral in party politics, and that we, therefore, confidently expect and cordially invite the active cooperation of all who share our views on the question before us, irrespective of their political affiliations;

Resolved, that this convention elect a central committee, to consist of one member from each congressional district, with full power and authority to provide for all details of organization and the management of the campaign.⁸⁶

In correspondence with the above resolutions the assembly elected the following gentlemen as representatives to the executive committee for the state: [p. 138]

1 st Congressional District	Theodor Gülich of Burlington ⁸⁷
2 nd " "	not represented ⁸⁸

86. Quoted from the original English wording of the resolutions as reported in the *Iowa State Press*, 11/30/1881.

87. Theodor Gülich was born in Schleswig and emigrated to Davenport in early summer 1851. Just a short time later, on November 15, 1851, he founded the *Davenport Demokrat*, Iowa's foremost German-language newspaper. In 1861 he moved to Burlington, where he founded the *Iowa Tribune*. Gülich eventually switched his allegiance to the Democratic Party on account of Republican support for Prohibition, but he remained a loyal Republican longer than many other German Iowans. In July 1883 Eiboeck still referred to him as "the leader of the German American wing of the Republican Party of Iowa" (*Iowa Staats-Anzeiger*, 7/6/1883). This suggests that delegates at the 1881 Anti-Prohibition Convention appointed Gülich chairman of the organization's executive committee in part because they hoped that he could work within the Republican Party to prevent it from pursuing a prohibition referendum. On Gülich, see August P. Richter, *Die Geschichte der Stadt Davenport und des County Scott* (Davenport, 1917), 483–89.

88. Eiboeck's list of executive committee members is faulty, with representatives and districts mismatched from the 2nd through the 6th Congressional District. The *Iowa State Press*, 11/30/1881, gives the representatives for all districts as follows (with two inaccuracies of its own, the misspelled names "Geulich" and "Parth"): "1st District, Theo. Geulich, Burlington; 2d District, J. P. Stibolt, Davenport; 3d District, vacant; 4th District, Mr. McNevin[,] Lawler; 5th District, M. Bloom, Iowa City; 6th District, R. L. Tilton, Ottumwa; 7th District,

3 rd	Congressional District	John McNevin, Chickasaw Co. ⁸⁹
4 th	" "	Moses Bloom, Iowa City ⁹⁰
5 th	" "	R. L. Tilton, Ottumwa ⁹¹
7 th ⁹²	" "	Joseph Eiböck, Des Moines
8 th	" "	J. G. Kelly, Mills County ⁹³
9 th	" "	Prof. F. Barth, Sioux City ⁹⁴

In the three months prior to the popular referendum, this executive committee worked to organize the anti-Prohibition campaign in the respective congressional districts. Mr. Gülich was chairman of the same.

Further resolutions were adopted, according to which:

- 1) Every delegate to the assembly had to contribute a dollar so that the resolutions of the assembly could be printed and distributed in the maximum number of copies.

Col Jos. Eiboeck, Des Moines; 8th District, J. G. Kelly, Glenwood; 9th District, Prof. F. Barth, Sioux City." Eiboeck provides an accurate list beginning with the 7th Congressional District, which he himself represented, but apparently did not notice his complete omission of the 6th Congressional District.

89. John McNevin was a saloon owner in Lawler, Iowa. W. E. Alexander, *History of Chickasaw and Howard Counties, Iowa* (Decorah, 1883), 269-70.

90. Moses Bloom emigrated from Alsace to Iowa City in 1857. He was one of Iowa City's leading businessmen and also led an active political life, serving a term as mayor of Iowa City (1874), two terms as a state legislator (elected 1877 and 1879), and a four-year term as state senator (elected 1885). See *Portrait and Biographical Record of Johnson, Poweshiek and Iowa Counties, Iowa* (Chicago, 1893), 180-82; *History of Johnson County*, 786; and Simon Glazer, *The Jews of Iowa* (Des Moines, 1904), 321-26.

91. R. L. Tilton served as postmaster in Ottumwa, December 1889-February 1894, and was active in the Independent Order of Odd Fellows, serving the Iowa Grand Lodge as Grand Patriarch (1887-88), Grand Master (1894-95), and finally, after moving to Des Moines, as Grand Secretary (1900-17). Harrison L. Waterman, *History of Wapello County, Iowa*, 2 vols. (Chicago, 1914), 1:139; "Odd Fellow Grand Secretary Dead—R. L. Tilton Passes Away from Heart Trouble at Age of 78 Years," *Des Moines Register*, 10/31/1917.

92. Eiboeck omits the 6th Congressional District in his overview. See footnote 88.

93. We have been unable to identify a J. G. Kelly in Glenwood, Mills County, for this time period.

94. F. Barth was editor of the *Sioux City Courier*, a German Democratic paper, from 1877 to his death, June 17, 1886. *History of the Counties of Woodbury and Plymouth, Iowa* (Chicago, 1890-91), 162-63. Eiboeck mentions him in a note in his "English Department" of August 14, 1884, as president of the "Sioux City [Grover] Cleveland and [Thomas] Hendricks Club." *Iowa Staats-Anzeiger*, 8/14/1884.

- 2) The chairperson was authorized to fill vacant seats on the executive committee via new appointments.
- 3) Mr. Theodor Gülich was authorized to convene sessions of the executive committee.

Republicans as well as Democrats went diligently to work to gain the majority in the next legislative session, and in this struggle all of the German newspapers of the state stood united; however, they could not win the battle alone. Their like-minded Anglo-American allies, who had left the Republican Party with them, hesitated and held back, and many of them didn't vote at all. The result was a victory for the Republicans and, as it later turned out, a victory for Prohibitionists; for although the members of the legislature were almost evenly divided in this matter, the Prohibitionists were better organized. Under the assiduous cajoling of temperance preachers and temperance women and the clamor that the people should have the right to decide whether the state should adopt a prohibition law or not, the change or, as one called it, "amendment resolution" was adopted in both chambers of the 1882 legislature. The vote was as follows: in the House, 65 voted for and 29 [p. 139] voted against; in the Senate, 32 for and 15 against. June 27 was designated as the day on which the popular referendum should take place.

Here it must be noted that the amendment would have failed if certain Republicans, who had been elected with the help of Democratic votes in the hope that liberal-minded Republicans could achieve more in a Republican-controlled legislature than Democrats, had kept their word. These included, for example, Senator Caron and the representatives Clayton and Davis of Pottawattamie County, who had been so-to-speak directly elected by the liberal camp based on their public and sacred promise never ever to vote in favor of the prohibition amendment but who supported the amendment in every round of voting even though the most distinguished citizens of both parties from Council Bluffs and Avoca traveled to Des Moines to remind them of their promise and beseech them not to break it. Their answer, however, was: "Our party has drafted the resolution, and now we are obligated to vote for the amendment."

Afterwards, in the same year, 1882, the main campaign concerning the amendment was conducted before the people. The

referendum took place on June 27 and passed with a majority of 29,759 votes. The results in the individual counties were as follows [...].⁹⁵

The opponents of the amendment had organized themselves in advance of the deciding date. Meetings were held in Davenport, Burlington, Dubuque, and Des Moines, in which the brewers of Iowa, the state's liquor vendors, and distinguished saloon proprietors [p. 141] took part. They also had the help and contributions of such well-known Anglo-American Republicans as Horace Boies (who was later twice elected governor), A. B. Cummins, Senator Bills, and several other esteemed Republicans.⁹⁶

English and German popular orators and organizers were sent all over the state and did everything possible to beat back the storm surge of Prohibition and to make the state free, but in vain. While many Republicans voted against the amendment, and many others did not go to the polls at all, thousands—30,000 it is said, and rightly so—of Democrats, particularly the Irish, voted for the amendment as revenge against the Germans, since in 1858 the Germans had been conceded their beer, while the Irish's whiskey was taken away, and because the Germans, or rather many of them, had unhesitatingly voted Republican for such a long time. An additional circumstance was that the Swedish synod of the Lutheran church and also the Methodist conferences and several other Protestant denominations declared their support for the prohibition law and thereby effectively bound their members to vote in favor of the measure.

As mentioned, a significant portion of the Irish was partial to the prohibition legislation because in 1858 their whiskey had been taken from them and the Germans' beer had not. And so one saw Irish Iowans and American saloon proprietors, be-

95. We have omitted Eiboek's lengthy table with the vote tallies from all 99 Iowa counties on pp. 139–40 of the original text. The numbers can be found online at <https://germansiniowa.lib.uiowa.edu/exhibits/show/eiboek/chapter11-transliteration>. The final tallies given by Eiboek (155,436 in favor vs. 125,677 opposed) agree with the numbers given in Clark, "Liquor Legislation, 1878–1908," 525. We did not verify individual county tallies.

96. Boies broke with Iowa Republicans over Prohibition in 1884 and was elected governor as a Democrat in 1889. See Jensen, "Iowa, Wet or Dry?" 275. Albert Baird Cummins parlayed his independence on Prohibition into a notable political career, serving as governor of Iowa in 1902–8 and as a U.S. senator 1908–26.

decked with flowers and ribbons given them by temperance women, working all day for the amendment. Thus the referendum did not truly represent an exchange of opinion among the population about Prohibition, and if a second vote had been scheduled for the same year or afterwards, then the amendment would have been voted down by a much greater majority.

Republicans were to blame that the amendment had ever been proposed and placed by the legislature before the people in a ballot initiative. A majority of Republicans voted in favor; but even so, the amendment would never have passed if certain Democratic Party leaders had not played false [p. 142] and worked in secret to promote the amendment in order to give the Republican Party a slap in the face and at the same time to avenge themselves on German Republicans.⁹⁷ The prohibition question had become a good milking cow for Democrats, and they did not want to lose it. This pertained only to party politicians, however; the party members themselves were not to blame, since the true Prohibitionists among them counted for only a few votes.

There was naturally great celebration in temperance circles on account of the victory. Given how completely disappointed and defeated liberal-thinking anti-Prohibitionists were, they could do nothing other than make a sad face and pity the electorate who had saddled itself with such a coercive measure. If someone or other let it be known that they opposed the new amendment, as happened many times in the state's German press, then the spokespersons of the Republican Party simply implied that "if the laws of the state do not please the Germans, then they may return from whence they came." And this against the very same Germans who had contributed an equal if not greater amount to the development of the state than their fellow Anglo-American citizens. It was the realization of the old German proverb "To add insult to injury,"⁹⁸ except that with this insult came calumny as well.

97. Clark mentions similar accusations. While he notes that these are "charges for which it would be somewhat difficult to produce absolute proof," it seems likely that Eiboeck had personal knowledge of such activities, comparable to his critique above of the Republican representatives of Pottawattamie County. Cf. Clark, "Liquor Legislation, 1878-1908," 526.

98. *Wer den Schaden hat, braucht für den Spott nicht zu sorgen*. Literally, "he who suffers injury will be ridiculed soon enough."

The prohibition amendment had now passed, yet there was still no law for its enforcement. Moreover, it was determined that the amendment had not been put forward to the people in accordance with law, and on January 18, 1883, the Iowa Supreme Court, in session in Des Moines, released a decision stating that the prohibition amendment was unconstitutional.⁹⁹ Four of the justices—Austin Adams, W. H. Leever, James G. Day, and J. H. Rothrock—were decidedly against the amendment, while only one justice, Beck, considered it constitutional. The verdict resulted from the case of *Köhler and Lange v. John Hill*, which had been decided in the same manner by District Court Justice Hayes in Davenport, namely, that the proceedings concerning the [p. 143] amendment had not been properly registered in the minutes of the legislature, in that the voting results concerning the proposed amendment had not been entered in the journals of both houses according to the “yea” and “nay” tallies, and that the final common resolution of both houses could not, under the guidelines of the Iowa Constitution, go into effect before July 4, 1882; and that correspondingly, on June 27, 1882, the day of the amendment referendum, the referendum according to law should not have been allowed to take place. Furthermore, that the wording of the amendment as approved by the Senate was different from that approved by the House. Specifically, in the Senate, the words “or to be used” had been inserted and the draft accepted with this change. That alteration had never been sanctioned by the House.

The lawsuit that precipitated this decision was initiated as a test case by Mr. Köhler and Mr. Lange against John Hill.¹⁰⁰ Mr. Hill had allegedly purchased from Mr. Köhler and Mr. Lange a quantity of beer valued at \$144. Based on the amendment adopted by the people on June 27, Hill refused to pay his debt.

As long as this issue remained in the courts, and until the legislature reconvened, the saloons were open and unhindered, that is, in such cities as Des Moines and elsewhere where the municipal administration squeezed \$600 and more from them, via either threats or persuasion.

99. On the following, see Clark, “Liquor Legislation, 1878–1908,” 529–35.

100. Clark, “Liquor Legislation, 1878–1908,” 529.

The next legislative session was again majority Republican and pro-temperance, if only barely. There were appeals to reason, to conscience, to the heart, and even to the pocketbook: it was all in vain, and the Clark Law was adopted, a stricter version of the old prohibition law of 1855.¹⁰¹ It contained the severest criminal punishments for infractions that had ever been adopted outside of Maine and other New England states.

The Clark Law forbids the production, sale, and [p. 144] possession of all intoxicating beverages—beer, wine, and cider included—nor may one make gifts of the same, either publicly or privately. Any vessels, bottles, barrels, and the like, as well as the houses in which such beverages were found, sold, or gifted, shall be deemed harmful to the common good and destroyed.

Only pharmacists who have acquired a permit may sell these beverages for medical, pharmaceutical, mechanical, and religious purposes. These pharmacists have to put up \$1,000 as security. Violation of the law for first-time offenders is punishable by a fine of \$50 to \$100, or by an appropriate prison sentence; repeat offenders face fines from \$300 to \$500 or six months in prison.

Whoever violates the law beyond that can be fined up to \$1,000, but not less than \$300. The building in which the offense took place can be declared harmful to the common good and sold along with everything inside (furniture, etc.) to cover the cost of fines and court fees. Such an establishment shall remain closed for one year unless the owner puts up the requisite secu-

101. The Clark Law derived its name from T. E. Clark, state senator for Page County. Strictly speaking, the Clark Law referred to the more stringent 1886 modification of the 1884 provision, which allowed liens to be placed on property where prohibited activity occurred in order to pay for enforcement costs. See Clark, "Liquor Legislation, 1878-1908," 552-53; Wines and Koren, "History of Prohibition in Iowa," 110-12; Harrington, "Bottled Conflict," 596; and Trumbull White, "Does Prohibition Pay?" *Appleton's Magazine* 12 (1908), 343-50. Eiboeck uses the term "Clark Law" to refer to the original 1884 law. This usage also occurs in Will Porter, *The Annals of Polk County, Iowa, and the City of Des Moines* (Des Moines, 1896), 409. Although Eiboeck discusses the law's provisions in the following paragraphs in the present tense, suggesting that he may be translating from a summary of the original legislation, we have identified no document that might have served as a source text and have thus translated Eiboeck's original German here rather than attempt to quote fragmentary snippets of the original legislation. For the full version of the state's prohibition statutes from this period, see "Chapter 6. Of Intoxicating Liquors," in *McClain's Annotated Code and Statutes of the State of Iowa, Showing the General Statutes in Force July 4, 1888* (Chicago, 1888), 603-38, § 2359-2431.

urity as a guaranty that intoxicating beverages will no longer be sold within said establishment.

Any person in the county can become a plaintiff and seek a cease and desist order against an alleged violator of the law. In the event of an infraction of this order, the concerned individual shall be fined between \$500 and \$1,000, or sentenced to six months in prison, or both. They must also pay the fees of the plaintiff's legal counsel.

If anyone sells or gives spirits to a minor or an alcoholic, they will be fined \$1,000.

Any man, woman, parent, guardian or other individuals who consider themselves to have been harmed by the unlawful purchase of alcoholic beverages, i.e., if an intoxicated person is involved in an accident, the injured individual can file suit to hold the seller of beverage in question accountable for [p. 145] both moral and actual damages.¹⁰²

The land in question, including all buildings and everything on and within the property, can be confiscated to pay for all petitions, verdicts, legal fees, and punitive damages that may be imposed due to any violation of the law.

Any person can give an affidavit before a justice of the peace against another person, stating that this person has broken the law, after which the justice of the peace shall order the confiscation of the beverage and the arrest of said person. In the event of their conviction, all such beverages shall be destroyed. The presence of such beverages anywhere outside of private homes shall be deemed sufficient proof that the law has been violated.

In Des Moines and elsewhere the law was also extended to private homes; during the Prohibition years most confiscations occurred in private homes, because open saloons had ceased to exist.

The law specifically required that courts and juries were to regard the giving away or gifting of intoxicating beverages as no less punishable than their sale.

102. This provision of the 1884 Prohibition Law harks back to the Civil Damage Liquor Law of 1862. For the implications of this law, see Elaine Frantz Parsons, "Slaves to the Bottle: Clark's Civil Damage Liquor Law," *Annals of Iowa* 59 (2000), 347-73. In contemporary legal parlance, "moral damage" (*moralischer Schaden* in Eiboek's original text) would presumably be considered psychological damage or emotional suffering.

The law also treated the possession of a federal liquor license as sufficient proof that a violation of the law has occurred on the part of the license holder.¹⁰³

Furthermore, the law established which fees were to be paid to justices of the peace, constables, sheriffs, searchers, informants, etc.

It should be apparent from these provisions that the law had been created by the most extreme temperance fanatics, because clearly nothing had been omitted that might enable the criminal prosecution and persecution of saloon proprietors and other offenders. The law not only imposed high monetary fines and long prison sentences but also placed a reward on the discovery of offenders, thereby creating a flock of searchers, informants, extortionist lawyers, and corrupt constables and police officers across the state. [p. 146]

And thus we come to the saddest and darkest period in the history of our state.

Since time immemorial, humanity has drunk intoxicating beverages of some kind or other, and clearly little has changed in this regard throughout the centuries and millennia. People continue to drink as in the days of Noah, although not in the excess quantities as once practiced by the Romans at their orgies or, as reported by Tacitus, by the Germanic tribes on both banks of the Rhine. When do-goody temperance types placed the drinking of noble wine and frothy beer under penalty, they were ignorant of this prominent historical fact. They would have had almost the same prospects of success if they had forbidden eating or had dictated to people *what* they should eat. They could drag people before kangaroo courts (*Vehmgerichte*),¹⁰⁴

103. The original German speaks only of a "United States license" (*Ver. Staaten Lizens*). The exact nature of such a license is vague, but it is clear from the context that it regulates some type of activity that would fall under the provisions of the Clark Law.

104. *Vehmgerichte*, Vehmic or Fehmic courts, were extralegal criminal tribunals that operated in areas where ordinary seignorial justice was absent. While they originally filled an important gap in medieval German law, they became increasingly known for the secrecy and capriciousness of their judgments. Eberhard Fricke, *Die westfälische Veme* (Münster, 2012); *The Columbia Encyclopedia*, 7th ed., s.v. "Vehmgericht," <http://search.credoreference.com/content/entry/columencyvehmgericht/0>.

incarcerate them, and take their worldly possessions, all of which they have actually done: nonetheless, the desire for alcoholic beverages could not be beaten out of them. Only after years of shameful persecution and scapegoating, the likes of which have never before been seen in a so-called free country, did people realize that the more one tried to enforce such a tyrannical law, the more drinking occurred.

The Clark Law shuttered breweries and distilleries. With the exception of breweries in larger cities on the Mississippi River and a few individual towns in the interior of the state there were no longer any breweries operating in Iowa. The many hundreds of thousands of dollars the brewery owners had invested in their businesses, which they had built with great toil under the protection of the law: that was all suddenly left to decay and destruction. No brewer could receive any compensation from the state for this complete destruction of his property. It was an injustice that called out to heaven. Not only the Supreme Court of Iowa, but also the United States Supreme Court concluded that they were not entitled to redress.¹⁰⁵ Of the 125 breweries that existed at the time, hardly a dozen were still in operation after a few weeks.¹⁰⁶ Many an honest man who had invested his entire [p. 147] fortune in a brewery was forced to

105. At the state level, Eiboek is presumably referring here both to *Littleton v. Fritz* (see footnote 69) as well as to *Pearson v. the International Distillery*, the 1888 Iowa Supreme Court decision to force the closing of the International Distilling Co., which had been producing for the out-of-state market. The decision of the Iowa court regarding the Des Moines distillery was upheld by the U.S. Supreme Court in October 1888. Wines and Koren, "History of Prohibition in Iowa," 117-18. At the federal level, Eiboek is likely referring to *Mugler v. Kansas*, the U.S. Supreme Court's decision upholding the right of the state of Kansas to close a brewery without compensation, which applied equally to the Iowa context. Clark, "Liquor Legislation, 1878-1908," 560. Clark (517) notes that in 1882 the Iowa Senate passed a resolution to compensate brewers should the constitutional amendment pass. However, the Senate Ways and Means Committee allowed the matter to die in committee. According to Wines and Koren, "History of Prohibition in Iowa," 103-4, the House Judiciary Committee also considered and rejected a similar measure at the time.

106. Eiboek later gives the number of breweries in Iowa at the time of the 1884 prohibition law as 118. In any case, the number of breweries in Iowa dropped precipitously. According to Randy Carlson, *The Breweries of Iowa* (Bemidji, MN, 1985), 68, between 1884 and 1890 the number fell from 111 to 23, with 53 breweries shuttered in the first year alone.

watch on a daily basis as it was run into the ground. He who had operated a reputable business, a business that had been regarded throughout the world as reasonable and fair, now fell into despondency and succumbed in the end to a bitter death. Such men lost everything! At the same time, he could only watch as shipments of beer and other alcoholic beverages arrived in Iowa on a daily, indeed hourly, basis by train from bordering states. Entire boxcar and trainloads arrived, and yet he was not allowed to brew a drop. It was indeed a hard lot that befell him. Brewers in other states enriched themselves thanks to his misfortune, and he could only look on as millions of dollars flowed annually out of Iowa for products that he and his trade associates could have delivered just as well. Not a single glass more would have been consumed, and millions of dollars would have stayed in Iowa. With the operation of breweries shut down and all saloons closed (except in the larger cities along the Mississippi and Missouri Rivers): where could people get something to drink, and where could they drink it?

In the interior of the state, that role fell primarily to pharmacies, which sold whiskey and beer to all, ostensibly for medical purposes, but in actuality to quench people's thirst and allow them to enjoy the forbidden fruit.¹⁰⁷ In addition to these pharmacies, which rapidly multiplied everywhere—Des Moines alone, for example, which at the time was only half as big as it is today, could boast 125 of them—hundreds of blind pigs (*Trinkbuden*) popped up in private homes.¹⁰⁸ A count at one point came up with 407 such drinking establishments in Des Moines. Hard-working, honest people, who had up to that point pursued their regular jobs as craftsmen, ordered kegs; others ordered crates of bottled beer and schnapps, all of which were delivered in various

107. On the entanglement of the pharmacy profession in anti-temperance activities, see Lee Anderson, "A Case of Thwarted Professionalism: Pharmacy and Temperance in Late Nineteenth-Century Iowa," *Annals of Iowa* 50 (1991), 751-71; and Clark, "Liquor Legislation, 1878-1908," 556-57.

108. According to F. W. Faulkes, *Iowa's White Elephant: Being a Review of the Rise and Fall of Prohibition in the State of Iowa* (Cedar Rapids, 1893), 38, "In many cities hundreds, if not thousands, of homes were turned into neighborhood saloons, and the evidence is not lacking to show that in some portions of the state, places of this character existed every two or three blocks where one or two kegs of beer were sold daily in addition to some whiskey."

types of packaging in order to evade the prying eyes of spying searchers who constantly lay in wait to discern who was importing illegal beverages and where they were being consumed. Also, some old saloon proprietors still sold alcohol in their establishments or in cellars, sheds, bedrooms, attics, stalls, etc., but mostly in private homes, where not only men but also women became the vendors of forbidden beverages. [p. 148] The business was enticing, since it paid well. People who had never earned more than one or two dollars per day were now making between four and six dollars on a daily basis, and women who had never been able to buy more than a calico dress were soon strutting around in silk. As stated before, people wanted to drink, no matter what it cost or in what unpleasant or filthy surroundings "the stuff" had to be enjoyed. It was the forbidden fruit.

There were also those who were not in the business of selling but who ordered beer delivered to their homes in kegs or crates, secretly and at night, because of course no one was permitted to ride about or deliver beer, so all transport of the drink happened in the dark.¹⁰⁹ The money was there; because the enjoyment of alcohol was forbidden, it created demand.

These were glorious (?) times for searchers and informants as well as constables, sheriffs, and justices of the peace.¹¹⁰ Police departments occupied themselves with the law's enforcement only sporadically, whenever it crossed a mayor's mind or the mayor was forced by Prohibitionists to instruct the police to visit the blind pigs and call their proprietors to account.

At the outset of the Prohibition tyranny, and for at least two years of the grimmest persecutions, sheriffs and their deputies were the most active in attempts to enforce the law. The high fines—seven dollars and more for the confiscation of a single bottle of beer!—increased dramatically. Informants received half, and district attorneys, constables, and justices of the peace pocketed the rest. Some of the money also went toward the local school fund or the state. For example, in 1884, the year the prohibition law first came into effect (on the 4th of July), penalties

109. On the "driving of drink to the homes of the people," see Clark, "Liquor Legislation, 1878–1908," 557.

110. The question mark after "glorious" is Eiboeck's: "*Das waren glorreiche (?) Zeiten für die Spione und Angeber, sowie für Constabler, Sheriffs und Friedensrichter.*"

in the amount of \$65,543 were issued, \$35,381 of which was collected, while total court costs amounted to \$359,580. In 1892 penalties totaling \$172,514 were issued, \$65,598 of which was collected, while total court costs amounted to the enormous sum of \$575,638, not including the fees paid to district attorneys, which totaled \$26,259 and [p. 149] \$84,027 in 1884 and 1892, respectively. In the nine years from 1884 to 1892 taxpayers were required to foot the bill for the enormous sum of \$4,246,579 in court costs, of which only \$382,210 was collected. In Dubuque and Scott Counties, where Prohibition was ignored, court costs ran between \$9,000 and \$10,000 annually, while in Polk County, where Des Moines is located, the same costs climbed to between \$60,000 and \$70,000 each year.

The *State Register* (Des Moines), which did more than all other Iowa papers combined to support the adoption and the strictest enforcement of Prohibition for many years, realized its error in 1890 and, in response to the continually growing discontent of the state's taxpayers, published an editorial, from which the following is quoted:

A Register reporter has very carefully investigated the official records, and he finds that during the first six months of 1890, there has been taken from the treasury for the criminal costs of the justices' courts of this city alone, the sum of over \$30,000. Of this amount, over \$11,000 was paid to five justices, the remainder went to their constables, witnesses, jurors, etc. This enormous expenditure was nearly all for the searching business, or such criminal business as incidentally grew out of it. The city has a police court where ordinarily criminal cases are disposed of that do not come before the district court, so that most of the costs of these justices' courts was for the alleged enforcement of the prohibitory law.

But if this great expense had succeeded in closing the places where liquor is sold, and in suppressing the illegal sale of liquor in this city, there are many people who would not feel that the cost was too great. Unfortunately, that result has not happened. The \$30,000 expended on the justices' courts has gone into the pockets of the justices, constables and their favored gang of assistants, without any honest [p. 150] attempt being made to permanently stop the sale of liquor.

At this present rate these justices and their constables will have drawn from the treasury at the close of the year, and still be

unable to show a single place where they have stopped the illegal sale of liquor.¹¹¹

The leading state newspapers all began to run similar reports. They pointed to the fact that despite the huge costs the number of blind pigs had increased dramatically. The issuance of federal licenses to those who sold alcoholic beverages provided irrefutable proof. Even those who sought to cheat the temperance law and its henchmen by secretly selling alcohol dared not sell without a U.S. government license. While one witnessed 3,549 U.S. retail licenses issued in 1885, a year after Prohibition came into effect, by June 30, 1892, despite all persecution and lawsuits, this number had risen to 6,874!

It will interest younger readers as well as their progeny to discover how authorities went about enforcing the prohibition law. And once they have been informed, they will surely be animated by the hope that the state will never again be plagued by such a law.

It is fair to call the period from July 4, 1884, through 1890 a reign of terror for Iowa. Things occurred that one would never have thought possible in a free country like America. Atrocities reminiscent of the persecution of heretics in Spain or the St. Bartholomew's Day Massacre were committed,¹¹² all in the name of morals and sobriety. It's true, the law was broken everywhere. Thousands of Iowans—good, honest, law-abiding citizens who had never broken state laws or city ordinances—circumvented the law without troubling their conscience. In every town, then, there were those who, although [p. 151] they themselves didn't sell illegal beverages, nevertheless turned a blind eye and

111. The *Register* ran its investigative article under the title "Some Startling Figures." *Iowa State Register*, 7/6/1890. Eiboeck quotes from the first two paragraphs and then skips to the penultimate paragraph of the piece, which he excerpts for the third section of the above quote. In passing over the intervening sections of the editorial, Eiboeck omits the most serious charges levelled by the *Register*, namely that "the so called enforcement of prohibition by the justices and constables of this city is nothing else than a combination scheme for plundering the treasury of this county." A second article in the same issue of the *Register* appears on page 8 and gives a detailed accounting of the fees pocketed by the justices and their constables.

112. The comparison of prohibition enforcement to the Inquisition, or to the St. Bartholomew's Day Massacre of French Huguenots by Catholics on August 24, 1572, is clearly somewhat forced.

helped vendors avoid arrest or, if they were put on trial, worked for acquittal. Thus it came about that not one in ten of those who had been identified by informers and arrested could be found guilty. Those who drank always knew to give evasive answers if they were asked to testify as a witness. A single case, chosen from the hundreds that could be cited here, will illustrate this.

An amiable old German blacksmith, a hard-working and reputable man who has since passed away, liked to drink a schnapps in the morning.¹¹³ He was dragged with others before the district court to give testimony in a case in which the saloon proprietor (the one he habitually visited) was accused of having sold intoxicating beverages. The blacksmith was asked on the stand as to whether he had ever drunk something at the establishment of the saloon owner in question, to which he answered, "Yes." The prosecuting attorney then asked him: "What did you order?" "Knick knack paddy whack," came the reply.¹¹⁴

The attorney thought he had misunderstood the gentleman and asked him again what he had ordered. The answer was:

"Knick knack paddy whack."

"What did you drink?" the attorney asked again.

"Knick knack paddy whack," was the answer.

The attorney grew angry and told the witness that such silliness would not be allowed; he demanded a proper answer to his question. Thus he asked:

"What did the drink look like?"

"Like knick knack paddy whack."

"How did it taste?"

"Like knick knack paddy whack."

The attorney appealed then to the judge to force the recalcitrant witness to answer the question properly. The judge turned and, addressing the witness, gave him to understand that he stood before the court and was sworn under oath to tell the truth. The judge then asked him himself: [p. 152]

"What did you drink there?"

113. We have been unable to find independent documentation of the following case.

114. In the original German, the smith answers, "Nick-Nack-Nudel," which is similarly nonsensical.

"Knick knack paddy whack," was the answer.

The judge told the witness again that he must tell the truth, and if he did not, then the judge would be forced to lock him up for contempt of court. "What did you have to drink?" he asked again.

"Knick knack paddy whack," answered the unflappable blacksmith.

"Put him in jail!" commanded the judge in a severe voice, and the blacksmith indeed had to hum to himself for several hours in a cell. When he returned and was asked by the judge what he had had to drink, it was the same answer:

"Knick knack paddy whack!"

There was nothing to do for it and he was allowed to go; the saloon owner was naturally let off as well.

This witness was not one degree worse than the great majority of citizens. He would never knowingly relieve a person of a dime, and he would have gladly helped a person who had stumbled to their feet and upheld all laws, but this law defied reason and his sense of justice. He, as so many others, thus regarded it as no offense to express his sympathies in the way depicted, and in so doing render the unreasonable law powerless.

Since there were so many establishments and the innumerable enforcers of Prohibition—sheriffs, deputies, constables, informants, and so-called searchers—had enough to do every hour, day and night, to ensure that not a drop of forbidden drink could be sold or given away, one would think that private individuals had nothing to do with the trade of spirits and would have thus remained unscathed. Quite the contrary. The greed of Prohibition enforcers knew no bounds. Those who had purchased beer in a pharmacy or in a clandestine locale and wished to take said beer home for their own use were stopped on the street without a warrant by searchers who confiscated the bottles and [p. 153] dragged them before the court, where they would have to answer for possession of contraband.

Private persons accustomed to regularly drinking their beer at home were continually in danger of having their houses searched, which indeed often happened and when raw manners and boorish behavior were on display. These acts could not fail to rouse even the most peace-loving citizens to resistance.

But one was powerless against the mob of searchers who had the authority of the law on their side. One was forced to submit to their arrogance and baseness and had frequently to look on quietly while they deliberately and maliciously destroyed furnishings and other personal items. A searcher might force his way into a home where he had observed beer delivered, or pry open an ice box, or rifle through the cellar and attic rooms: these were daily occurrences. If court officers discovered any beer or other spirits, they were confiscated. If the owner of these items wished to have them returned, then he was required to hire a lawyer, but that was too expensive for most, so they usually dropped the matter because they knew that most judges sympathized with the henchmen of the Prohibitionists, and justice was not to be expected of them. It was a time of terrorism in the cities of the interior of the state, especially in the state capital.¹¹⁵

A few sad cases that occurred in Des Moines deserve to be recorded for posterity on account of their barbarity.

Shortly after the law came into effect, as searchers developed a taste for the rich spoils, which beckoned in the form of high fees paid for the identification and arrest of persons suspected of transgressing the law, one could see slinking creatures snooping about various parts of Des Moines—"to enforce the law," as they said—but in reality they were lining their pockets. One Saturday evening, they witnessed an eighth of a barrel of beer being carried into the modest home of the German shoemaker John Andreas Dürr.¹¹⁶ [p. 154]

115. Temperance support was strong in Des Moines. Despite the city's size, only 19 percent of Des Moines residents in 1880 were foreign-born, a percentage it shared with Keokuk, tying them at the low end of Iowa's seven cities with a population over 10,000. At 32 percent, Davenport had the highest percentage of foreign-born residents at the time. Whereas 34 percent of Dubuque residents were Catholic, only 9 percent of the Des Moines population was. See Lawrence H. Larsen, "Urban Iowa One Hundred Years Ago," *Annals of Iowa* 49 (1988), 447–49. Even a generation later, "Des Moines was a bastion of white Protestantism," as noted by Paul Emory Putz, "Building a City on a Hill: Evangelical Protestant Men and Moral Reform under the Des Moines Plan, 1907–1916," *Annals of Iowa* 77 (2018), 4.

116. The original German text refers here to an *Achtelchen*. Based on current keg sizes, an eighth of a barrel contains 3.875 gallons or 496 ounces, the equivalent of just over 41 12-ounce bottles.

Dürr is Bavarian by birth; his countrymen famously have no aversion to barley juice, and thus he ordered a small keg of the stuff every Saturday for himself and his family, which he and his loved ones emptied during the week at their leisure. The constable searcher who had witnessed the beer being delivered to Dürr quickly calculated that there were a few dollars in it for him, and so he decided to go to Dürr the next morning, by which time the barrel would be tapped, and confiscate it.

The following day was Sunday. It was precisely the hour when the bells of more than 20 church steeples rang for church service and pious citizens streamed towards the over 50 churches in Des Moines, when the constable—John Shafer was his name, likely the wayward descendant of a German—together with another searcher by the name of Blair went to the modest residence of the Bavarian shoemaker. They did not knock at the door but rather burst into the house without warning and immediately began searching the place. One constable rifled through the living room, the other through the kitchen. Dürr's wife, a small, meek mother who was in the latter room, nearly fainted from fright. What did the two intruders want? Did they want to rob the place? It finally occurred to her that Prohibition had come calling; she had already heard that other searchers (Frank Pierce, John Potts, Painter, Bywater, Candy-John, etc.¹¹⁷) had already searched houses for beer. She suddenly recalled the keg, which was in the cellar—that's what the two men were surely after. There was a trapdoor in the kitchen that led to the cellar, where the keg was stored. Quickly composing herself, as the female sex is accustomed to doing, Mrs. Dürr set a chair on top of the trapdoor and then sat down. John Shafer and his companion searcher had already searched all corners of the house and noticed the woman sitting where only an eagle eye could detect the crack in the floor that gave away the trapdoor. In a harsh

117. See pages 59–61 below for more details on Frank Pierce and G. W. Potts. Of note here is that Eiboek includes Joshua C. Painter, Des Moines sheriff from 1883 to 1887, among those who profited from Prohibition enforcement. He made this charge explicit in the *Anzeiger*: "Sheriff Painter has been and is now squeezing every dollar possible out of the office during his present term. Joshua is not going to let any money pass by him—if he can grab it." *Iowa Staats-Anzeiger*, 7/23/1885.

voice, Shafer commanded her to stand up; when she refused, he seized her arm with one hand and with the other placed a revolver to her chest. [p. 155] He threatened to shoot her if she didn't immediately get up. A scream of horror escaped her throat and brought her husband (who was in another room) into the kitchen. He saw the weapon of an unfamiliar man on the chest of his wife and begged him in broken English not to kill her. At the same time, he attempted to pull the constable's arm away. The constable let go of the woman, but struck Dürr in the head with his night stick such that Dürr sank to the floor in a cry of pain and remained there for a long time in a state of unconsciousness. He had struck a hole in John Dürr's head that confined him to a sick bed for months; years passed before he was fully recovered. Night fell over his spirit, and there seemed to be no hope that he might return to his old self. His poor wife had cried out for help in her fright. The fiends, however, had already fled the house by the time neighbors arrived and realized what had happened. News of the occurrence spread quickly throughout the city. Given the preceding violence perpetrated by Prohibition agents, the embitterment and outrage concerning this new atrocity were quite substantial. As Dürr's condition worsened over the next days and he seemed surely about to die, the outrage grew greater still. A furious mob gathered in front of the office of Justice of the Peace McCabe and demanded the name of the informant who had provided the tip that Dürr had beer in his house. Had McCabe not fled through a back door, he would have been thrown out the window. Police arrived and partially restored order. When the news arrived that John Shafer had turned himself in and was now in the town jail, close to a thousand people made their way to the courthouse, in whose cellar the jail was located, and demanded that he be handed over to them. Shafer, however, was no longer there. It was later determined that he had been spirited out of the city in a buggy, to either Winterset or Indianola. Nevertheless, at 11 p.m. approximately one hundred people, armed with crowbars, surrounded the courthouse and broke down the outer door of the jail. Their plan [p. 156] for storming the prison had however already been betrayed, for when the avengers of John Dürr pushed inside, they suddenly found themselves looking down the gun barrels

of local law enforcement. Several shots were fired, and one bullet, which ricocheted off the jail wall, struck "Jap" Compton, one of Sheriff Painter's deputies; when his brother, Sam Compton, began shooting at the people outside, he was wounded in the thumb, causing his revolver to fall from his hand. Shafer was nonetheless absent, and the people went home.

A citizen's assembly was called, but the county auditor at the time, Bruce Jones, refused to provide the courthouse for the meeting. Only several days later did the assembly take place in a local roller rink, which drew a standing-room-only crowd in a space capable of holding 3,000 people. Participants gave speeches and adopted resolutions that made quite clear that citizens were not about to let themselves be gunned down indiscriminately. People were terrorized to such an extent at this time that most speakers dared not speak a word for the rights of citizens or personal freedom. The only esteemed American to address the crowd at this opportunity was Col. William H. Merritt, the hero of the Battle of Pea Ridge and later postmaster of Des Moines.¹¹⁸ The others, Democrats and Republicans, shrank from the issue, and so the struggle had to be led by people who would have gladly left the matter to someone else.

John Dürr was an invalid for years and incapable of earning his livelihood. The ruffian Shafer was charged with causing grievous bodily harm; as he lacked \$500 in bail, he spent a short time in prison but was later released. The judges protected the police spies in every instance, all in the name of preserving the sacred letter of the law.

John Shafer was, however, only one member of a gang of notorious hoodlums the Temperance Alliance had enlisted in

118. William Merritt began his career in Iowa politics in 1841 with a term in the territorial legislature. He served as editor of the *Miner's Express* in Dubuque and then of the *Iowa Statesman* (Des Moines), which later became the *Iowa Leader*. In 1861 he ran as Democratic candidate for governor, losing to Samuel Kirkwood, and then served as a lieutenant colonel in the Civil War. See Luther A. Brewer and Barthinius L. Wick, *History of Linn County, Iowa: From Its Earliest Settlement to the Present Time* (Chicago, 1911), 153–54. As noted in our introduction, Eiboeck had a long-standing relationship with Merritt. Soon after his arrival in Dubuque in the spring of 1849, "Joseph entered the office of the *Miner's Express* as an apprentice under Col. Wm. H. Merritt, where he learned the printer's trade and the English language at the same time." *Biographical Dictionary [...] of Chicago and the World's Columbian Exposition*, 481.



Fig. 9. The "Frank Pierce Gang" 1889. Frank Pierce is front row center; J. W. Potts is in the back row, far right. Image titled "Constables. The Des Moines Searchers and Advance Guard of the Fighting Prohibition Army." From Library of Congress: <http://www.loc.gov/pictures/item/2002716630/>.

order to suppress public drinking (fig. 9).¹¹⁹ Many others, such as Pier[c]e, Potts, Hamilton, Stewart, etc., were still worse than he; the [p. 157] acts of violence committed on their part are too numerous to list here.¹²⁰ Pierce, for example, made repeated use of his revolver. He shot Harry Lloyd in Nym Wyatt's house because he would not allow him to search the house. Potts shot a man by the name of Hardy because he would not submit to

119. The Iowa State Temperance Alliance was formed in September 1876 as an umbrella organization of temperance and religious organizations "to promote the cause of Temperance in the State of Iowa." See Clark, "Liquor Legislation, 1861-1878," 365-68. The meetings of the organization attracted national interest. "The Iowa Temperance Alliance," *New York Times*, 8/20/1883; "Iowa Temperance Alliance," *Daily Kentucky New Era*, 3/5/1890.

120. On the activities of Frank Pierce and his "gang," see *The Annals of Polk County, Iowa, and the City of Des Moines*, 416-17.

arrest without a court order and resisted. Pierce and Potts entered the home of livestock trader John W. Miller while he was out of the city. Because his wife, who was sickly, wouldn't allow her beer, which she kept for her own health, to be confiscated, she was dragged to jail at 11 p.m. and put into a cell with prostitutes. The courts here again acquitted the servants of the law. [A member of Pierce's gang¹²¹] broke into the home of Pat Lacy at ten at night, and while she was in childbed forced her to stand up so he could search the bed for schnapps. He was indeed arrested for this shameful act but as always was acquitted.

The searchers were constantly on the lookout and kept a special eye on pharmacists, who at the time sold the greatest amount of spirits. If they witnessed a man or a woman exit a pharmacy with a bottle of schnapps, they followed them and observed where they went. In this way they picked up the trail of an old Irishman by the name of Mike Quinn, whose wife was bedridden in the last stages of consumption. Because nothing could help her anymore, her doctor, Dr. McGorrick, had prescribed her whiskey, and her husband went daily to a pharmacy to procure a pint of schnapps. Pierce and Potts had observed him as he once again purchased a bottle, and that night around eleven o'clock these two head searchers came to Quinn's poor dwelling along with two others. They did not knock at the door, they simply broke it down, and there they saw the room was full of people. The woman lay very sick in bed. The neighbors had come together to be near her in her last hours. Pierce saw all of this, but he was only interested in getting the schnapps in order to obtain evidence against Quinn and secure the resulting fees for him and his band, [p. 158] in this instance no less than 40 dollars. The four beasts rifled through the whole premises but found nothing. The occupants then hoped they would go away. But Pierce was determined not to give up yet. He said that the bottle of whiskey must be in the house, and he believed that the woman had it hidden in her bed. He commanded her to stand up, but she couldn't, for she was too weak. Then he seized her by the arm and tore her violently from her pillows, and sure

121. In an apparent editing error, the name "John W. Miller," whose wife appears above as one of Pierce's and Potts's victims, is given here as the antagonist who entered the house of Pat Lacy.

enough, the bottle was hidden there. A neighbor had quickly hidden it there when the searchers arrived. Pierce grabbed the bottle and held it triumphantly in the air. The elderly Quinn went up to him and begged him not to take the bottle; the whiskey was for his sick wife. He tried to relieve Pierce of the bottle. Because of this Pierce forced him to go with him in the middle of the night, and since it was too late to post bail, he had to spend the whole night in jail with thieves and robbers. The next morning, just after daybreak, he was told he could return home. He had put the door of the prison behind him and was about to mount the stone steps leading to freedom when he saw his 13-year-old daughter approaching. Her hair hung loose over her shoulders, the wind blowing it here and there. With heavy sobs the child exclaimed, "Papa, Mama is dead!" The brutal experience of the night was too much for her. Pierce and his consorts had murdered her to preserve the sacred letter of the law.

Later, Pierce shot a city watchman by the name of E. H. Wishard, for which he received just three years in the penitentiary.¹²² Potts was also sentenced to two years for perjury and bribery. Since the revision of the prohibition law, the other temperance searchers have, with few exceptions, either ended up in prison due to various crimes or have otherwise disappeared. The only person to have lost his life as a searcher was C. S. "Jeff" Logan, who was shot on November 7, 1887, while attempting to arrest Joseph Row, teamster for the wholesale druggist business of Hurlbut, Hess & Co. [p. 159] Logan had just arrested another teamster of the firm, Albert Campbell, in the street as he was delivering beer and had entered the packaging room of the company with Campbell just as Row was climbing into his wagon to drive away with a load of goods. Logan asked Row if he had a permit to deliver goods. Row did not need such a permit, though, because the company was authorized to sell beer. Row answered that it didn't concern him (Logan). Logan replied, "I must see a permit; otherwise I'll arrest you!" "Where is your warrant?" asked Row. "I don't need a warrant; my authority is all that's needed." Row refused to go with him, whereupon Logan attempted to use force and in the end pro-

122. On Pierce's killing of Wishard, see *The Annals of Polk County, Iowa, and the City of Des Moines*, 417, 494-95, where the name appears as "Wishart."

duced his revolver and shot at Row. Row then drew his own revolver and let off two shots at Logan, the second of which cut him down. Row was arrested. Although he had acted in self-defense and Logan had had no right to arrest him without a warrant, he was nonetheless sentenced to five years in the penitentiary. Row should not have been punished, but as already stated, the justices favored the searchers, whether they were in the right or not.

In 1888 a tragic event occurred in Sioux City as a result of attempts to enforce the prohibition law.¹²³ Situated in the northwest corner of the state, Sioux City was at that time more of a frontier city, with a more liberal population than Des Moines, Marshalltown, and other larger cities in the state's interior. Nevertheless, an attempt to close the saloons was made there as well. Among the agitators for temperance was a pastor by the name of [G. C. Haddock¹²⁴], who not only preached day and night against the sinfulness of saloons but also went with a few assistants from saloon to saloon to catch violators of the law or to arrange for the closing of the saloons and the arrest of the proprietors. In Dubuque, Davenport, and the other larger Iowa cities on the Mississippi River, people did not tolerate such activities. Prohibition there was a dead letter [p. 160]; why should the largest city on the Missouri subject itself to such an unjust law? The vast majority of residents were against the law; thus the embitterment grew from day to day against the agitations of this pastor who was involved in the arrest of one saloon owner after another, who called private citizens as witnesses and brought about nothing other than strife and discord. Haddock was ruthless in his doings and knew nothing of decency or compassion. He completely disregarded the tolerant teachings of Jesus, his supposed master, in his fanatical persecution of those who did not regard the sale of spirits as a crime. The loss of his life was due to his foolhardiness alone.

123. The correct date of the following incident is August 3, 1886. Cf. Clark, "Liquor Legislation, 1878-1908," 558.

124. Eiboeck gives the pastor's name here incorrectly as "E. G. Paddock." Eiboeck later cites the pastor's last name correctly as "Haddock." On Haddock's murder, see Thomas S. Smith, "A Martyr for Prohibition: The Murder of Reverend George C. Haddock," *Palimpsest* 62 (1981), 186-93.

The people who had been tormented and pursued by Haddock had certainly thought of revenge from time to time but never with the intent of taking his life. An organization of saloon proprietors existed in Sioux City, which had drafted various resolutions concerning fighting back against temperance harassment, yet they had never ordered a personal attack against Haddock. Around the beer table, the intolerant pastor was no doubt cursed at times and promised a good thrashing, but no one had contemplated murder. He should not escape his thrashing, though. A dozen men seem to have taken it upon themselves to deliver one to the rabble-rouser. While Haddock was out one evening to spy about, half a dozen men approached him near the Columbia House,¹²⁵ doubtlessly intending to give him a sound beating. Haddock was armed with a large club, a coach support, and had raised it to strike, as he seemed to sense what the approaching men planned to do. One of them shot at him, perhaps just to scare him off, but the bullet hit its mark and Haddock died on the spot.

It was murder, and the news spread like wildfire through the town. The fanatic Haddock was made a martyr; the cause of personal liberty suffered a huge setback, and the repeal of the tyrannical law was delayed by years. If the shot was accidental, then it was regrettable, not because of the death of one person who thought himself better than three-quarters of the town's other citizens and who sought to bring about the impossible, [p. 161] but due to the sympathy that his death created for his cause. If intentional, then it occurred more out of fear of the pastor's club, but was nonetheless unforgivable, because no person has the right to take the life of another if his own life is not in danger.

The Prohibitionists milked this incident for all it was worth, of course, and the screws of Prohibition were tightened everywhere. Sioux City itself suffered, and saloon proprietors got the worst of it. The owner of Sioux City's only brewery, John

125. The Columbia House was a German-owned hotel situated next to the livery stable at Fourth and Water Streets, where Haddock and a companion had rented a horse and buggy to investigate purported violations of the prohibition law in neighboring Greenville. *History of the Counties of Woodbury and Plymouth, Iowa, Including an Extended Sketch of Sioux City* (Chicago, 1890-91), 260.

Arensdorf, endured the greatest persecution of all. Because he was a brewer as well as a member of the saloon association, the Prohibitionists made a scapegoat of him. It was alleged that he was the one who shot Haddock; in reality, he was nowhere near the scene of the crime when it occurred. But he was a brewer, and that was all the fanatics needed to know. They managed to bring about his conviction after lengthy trials, supported by public opinion, which, due to honest or feigned sympathy, had swung in their favor. The verdict of the lower court, forced through by single-minded jurors, was naturally confirmed by the high court, which all too gladly favored the Prohibitionists, since at the time the judges' bench was composed only of Anglo-Americans, people given over to all sorts of prejudices against German customs and conventions. John Arensdorf was found guilty of manslaughter, although he was no more the perpetrator than was Neal Dow, the father of temperance law in Maine. But fanaticism had won out; it had found its victim in the form of a German brewer, and great was the rejoicing in temperance assemblies.

A memorial church was erected in Sioux City for the murdered pastor, and John Arensdorf had to go to jail—albeit for only a short time, a couple of months—because a scapegoat was needed. It was hoped that Governor Boies would pardon him before it came to that, but the pressure applied by the church, which had allied itself against Arensdorf, was too great. Although the governor reduced the sentence, he complied in all else, and the stain of guilt fell upon an innocent man. The state of Iowa has no more honorable man than John Arensdorf. [p. 162] It is extremely regrettable that he had to suffer in such a manner for the recklessness or cowardice of another. History will acquit him of this crime, however, and even when Haddock's memorial chapel will have long since collapsed, one will still speak of the injustice done to the brewer John Arensdorf. The murder of Haddock cannot be justified, but neither can the conviction of Arensdorf.

This Sioux City occurrence leads us to further reflections, which the historian does not wish to exclude, for they are a part of history.

Of the 118 breweries in operation at the time the prohibition law went into effect, one could barely find more than half a dozen two years later.¹²⁶ With the exception of breweries in Davenport and Dubuque, they had been shut down completely, and the capital invested in them, the earnings of years of activity and thrift, was in an instant eliminated. The ruins of more than 80 breweries can still be seen today and bear ghostly witness to the intolerance of the 1880s in Iowa. The brewers were deprived of everything, and not one of them received a dollar in compensation. Before the adoption of the Clark Law, their trade had been just as lawful as the baker's or the sausage maker's, and their property had been just as sacrosanct as that of lawyers and judges. It was a screaming injustice to condemn this property to destruction without reimbursing them for the loss they suffered. It is amazing that some brewers who lost everything due to Prohibition and were completely impoverished didn't take their own lives, likewise that more acts of violence like those in Sioux City did not occur. The brewers' love of the law speaks volumes worth their weight in gold: that they were able to comply peacefully with the law under such circumstances of fanatical intolerance, which can only be described as rabid, bears witness on their behalf against their slanderers and persecutors. In some other country, and among some people other than the Germans, murder and bloodshed would have been the daily outcome, for no person, [p. 163] authority, or government can legally seize a citizen's property without reimbursing him for it. Their trade had been up to that point lawful, they were not criminals, they were just as in the right as any other businessman, and the destruction of their property was an act of nihilism, worse than robbery. This is and will remain a shameful stain on our great state's history.

In 1890 the persecutions by Prohibitionists were brought to an end for a time by Congress's adoption of the so-called Wilson Original Package Bill.¹²⁷ In accordance with this law, various alcoholic beverages were allowed to be sold in the state if they were imported and sold in their original packaging. This act was

126. See footnote 106.

127. Clark, "Liquor Legislation, 1878-1908," 579-80. On the Wilson Act, see Hamm, *Shaping the Eighteenth Amendment*, 77-88.

based on the Interstate Commerce Act,¹²⁸ and while it enriched other states' brewers and distillers, our citizens could breathe a little easier. The ethics of the matter, however, namely, that one could import and sell what wasn't grown and produced here, while what the state was in abundant condition to grow and produce could not be sold, proved edifying for any clear-thinking citizen. Most people were aware that, both before and after the adoption of the Wilson Act, millions of dollars flowed each year to other states to purchase spirits that were consumed here, and which, if they had been produced here, certainly would not have caused any greater drunkenness or vice. At the same time, these citizens had had to look on helplessly while the state's population over the five previous years, not counting the greater number of births than deaths among established residents, had declined rather than increased,¹²⁹ while all other states in the Northwest—even Wisconsin, which has much poorer soil and contains fewer natural resources—saw significant increases in their population. They observed how the great distillery in Des Moines, at the time the largest in the world,¹³⁰ was shut down, so that the farmers of central Iowa lost the best corn market they had ever had. They had consistently gotten five to six cents more for their corn than they did after the distillery closed. The Honorable A. B. Cummins, state representative for Polk County [p. 164] and a respected Republican, came out against his party just as many other prominent Republicans had done due to the economics of temperance. As he noted in an 1889 speech regarding this distillery,

We had an industry in Des Moines that processed between 1,500 and 5,400 bushels of corn per day—on average 3,000 bushels daily—and brought area farmers \$3,100 a month for their corn, which was consumed here, and which raised the price for at least three

128. Recently passed by Congress in 1887.

129. There was concern that the existence of the prohibition law fostered emigration from Iowa to bordering states that were eager to welcome the arrivals. See Clark, "Liquor Legislation, 1878-1908," 566.

130. The International Distillery of Des Moines was a large-scale operation that produced spirits predominantly for out-of-state export. At the time, it had just begun operations and had been promised a five-year tax exemption by the City of Des Moines. See Wines and Koren, "History of Prohibition in Iowa," 104; and Clark, "Liquor Legislation, 1878-1908," 517, 559.

times that amount of corn, bringing them \$12,480 per month, or \$140,760 annually. It provided employment for 100 workers, with their salaries totaling \$125,000 annually. They had stalls for between 2,000 and 4,000 heads of cattle and created a market for no less than 1,500 tons of cheap hay, which sold for between \$4 and \$5 per ton. This industry also created a market for rye, for which there was otherwise no need here.¹³¹

We can briefly summarize the experiences of our state with Prohibition as follows. Instead of rendering a service to humanity and making better citizens of the state's residents, Prohibition:

made many people into liars, perjurers, and hypocrites, and has turned the love of law and order on its head;

created disdain for all laws and courts;

led to increased taxes, but generated no compensation;

promoted clandestine drunkenness (*der geheime Suff*) and other vices along with it;

impoverished brewers and saloon proprietors, while making capitalists of druggists who secretly traded in spirits;

caused hundreds of millions of dollars to be sent out of state for beverages that could have just as well been produced here, without one more gallon consumed;

decimated the local market for farmers, so they must pay to ship their grain to Chicago and then pay freight for the beverages they have ordered; [p. 165]

reduced immigration and confiscated and destroyed millions of dollars' worth of legally acquired property, without giving the owners a dollar in damages or reimbursement;

created an army of professional police searchers and corrupt lawyers who cost the state a half-million dollars annually, as well as plenty of other swindlers;

131. Wines and Koren, "History of Prohibition in Iowa," 117, note similarly favorable economic figures for the distillery. On Cummins's election to the legislature in 1887 as an anti-Prohibition Republican, which garnered him the support of Democratic voters, see *ibid.*, 118-19. We have consulted the Albert Baird Cummins Papers in the Des Moines research center of the State Historical Society of Iowa but have been unable to locate the original text of this speech. The wording here is a back translation from Eiboek's text.

created dens of vice for young people, which could not have existed under a legitimate licensing law;

generated nothing but brutal agitation, persecution, shameful oppression, and created still more poverty and crime through its promotion of clandestine drunkenness (here: *der stille Suff*).

In this history of temperance as an institution, we have related only the principal events and impressions, for in order to give a complete history of Prohibition it would require an entire book like this one. What has been presented here was done for the love of justice alone, which one unfortunately does not always find in history books regarding this topic. The reader of this book in later years will certainly marvel that such things could occur in a free republic and nation of public enlightenment. Yet it has been facts alone that we have presented. May they serve as a warning for posterity, a lesson that freedom and individual rights are preserved only through citizens' constant vigilance.

In 1889 Horace Boies, the Democratic candidate for governor, was elected with a majority of 6,573 votes, defeating his Republican opponent Hutchison (figs. 10–11).¹³² In 1891 Mr. Boies was elected with a yet greater majority, namely 8,216 votes, over Wheeler. The entire Democratic ticket for the state was elected along with him.

These Democratic victories contributed to the Republican Party's decision to adopt a plank in their platform of 1893 that stated, "Prohibition is no test of Republicanism."¹³³ They deferred the Prohibition question to the legislature. The people were to decide the matter through their election of legislators.

[p. 166] The Populists adopted a resolution for the retention of Prohibition,¹³⁴ and the Democrats, as usual, passed a resolution for a licensing law. The Republicans won the legislative vote

132. On Boies's election, see Jensen, "Iowa, Wet or Dry?" 274–82.

133. Quoted from the original wording of the resolution, as found in Clark, "Liquor Legislation, 1878–1908," 592.

134. On the People's Party, see Jeffrey Ostler, *Prairie Populism: On the Fate of Agrarian Radicalism in Kansas, Nebraska, and Iowa, 1880–1892* (Lawrence, KS, 1993). On the party's position on Prohibition, see Clark, "Liquor Legislation, 1878–1908," 585, 593.

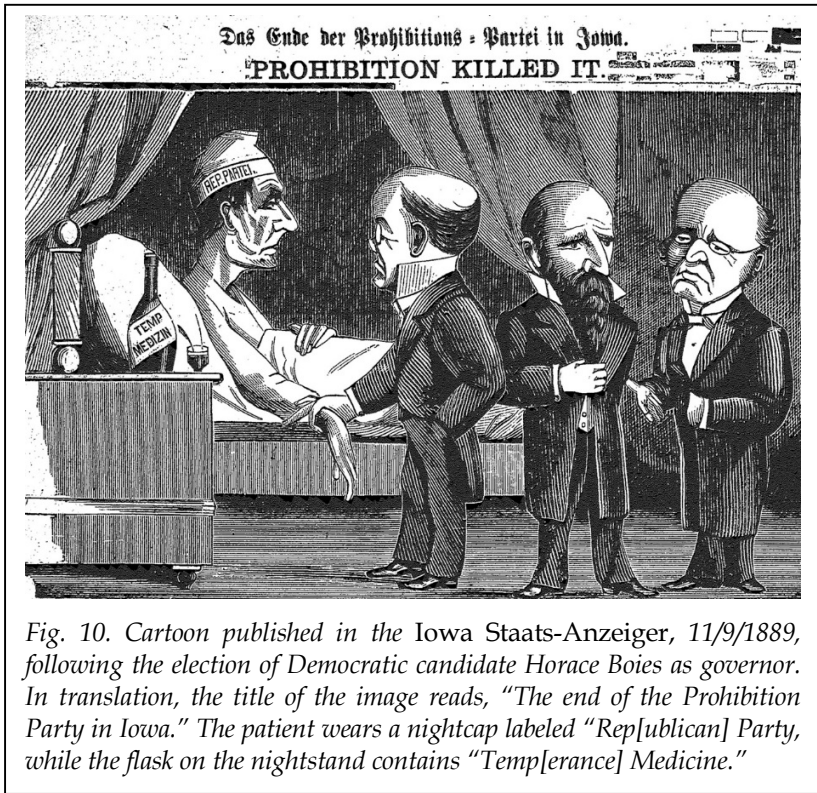


Fig. 10. Cartoon published in the *Iowa Staats-Anzeiger*, 11/9/1889, following the election of Democratic candidate Horace Boies as governor. In translation, the title of the image reads, "The end of the Prohibition Party in Iowa." The patient wears a nightcap labeled "Rep[ublican] Party," while the flask on the nightstand contains "Temp[erance] Medicine."

of 1894 and adopted the so-called Mulct Law, which does not revoke the previous prohibition law, but allows for the sale of intoxicating beverages under certain conditions.¹³⁵

The provisions of the Mulct Law are briefly summarized as follows:¹³⁶

135. In *Iowa: The Middle Land*, 216, Dorothy Schwieder calls the Mulct Law "one of the strangest laws in Iowa history." For more on the law, see Clark, "Liquor Legislation, 1878-1908," 596-601.

136. It is unclear whether Eiboeck is citing a specific document here. In all cases, his summary is substantially shorter than the 74 sections of the original Mulct Law as it appears in *The Code of Iowa as Reported to the Twenty-Sixth General Assembly by the Code Commission* (Des Moines, 1895), 472-95. When the wording of Eiboeck's "Sections" adheres closely to particular sections of the law in English, we have adapted the relevant phrasing and terminology from the published English version. See also Ezra Christian Ebersole, *Encyclopedia of Iowa Law* (Des Moines, 1902), 1092-93, section 1963.

THE STATE ANZEIGER.
 "Our Liberties we Prize," and our Rights we
 will maintain.

THE TRUTH, THE WHOLE TRUTH
 AND NOTHING BUT THE TRUTH.

J. EIBOECK, EDITOR.

AT LAST!

**Iowa to be Free
 Again.**

HORACE BOIES ELECTED BY
 7,000 MAJORITY

LIBERAL REPUBLICANS
 JOINED HANDS FOR
 ONCE

With Liberal Democrats to Put
 Down Fanaticism, Cruelty
 and Oppression.

Glory Hallelujah!

Iowa Redeemed At Last.

**AN AVALANCHE OF
 LIBERAL VOTES.**

The day of deliverance from
 prohibition terrorism has come at
 last. The people of Iowa have

*Eiboeck's "English Depart-
 ment" following the elec-
 tion of Horace Boies as gov-
 ernor. From Iowa Staats-
 Anzeiger, 11/9/1889.*

Section 1. Establishes an annual tax of \$600, \$300 of which goes to the county. Cities and incorporated municipalities can increase the tax if they desire. Outside of river towns, the tax now mostly ranges between \$1,000 and \$1,200, in a few instances up to \$1,600. The tax is a lien against the real property wherein or whereon the business operates.

Section 2. The tax assessor shall present a list of establishments selling intoxicating liquors four times per year to the county auditor.

Section 3. If the tax assessor neglects his duty, then three people can submit a sworn statement to the county auditor with the street number and location where intoxicating liquors are sold.

Section 4. If someone is unfairly burdened by the mulct tax, then he must report to the next meeting of the county board of supervisors. His own personal statements have no validity here. The plaintiff must pay all witness and lawyer's fees, and the county attorney stands against him in court.

Section 5. When applying to have the mulct tax waived, the reputability of the establishment will be considered, and possession of a retail liquor license from the federal government will serve as proof that the property is subject to the tax.

Section 6. If at trial it is attested that the owner of the property knew, or was able to know, that intoxicating liquors were sold in his house or on his property, then the clerk of the district court shall inform the county auditor thereof for the purpose of taxation. [p. 167]

Section 7. If it is demonstrated that the sale of spirits cannot have taken place for longer than six months of the pertinent

year, then an appropriate portion of the annual tax, excepting court costs, should be remitted.

Section 8. The tax assessor shall maintain an assessment book for liquor vendors, in which the locations where spirits are sold shall be recorded, as well as the names of tenants, owners, and agents of the property.

Section 9. Members of boards of supervisors shall impose the mulct tax of \$600 in every regularly scheduled September meeting and record the names of persons who have been engaged in the business of selling or keeping for sale intoxicating liquors, or maintaining any place where such liquors are sold or kept for sale.

Section 10. The county auditor shall certify to the county treasurer a complete list of the names of persons returned to him, and the treasurer shall record the tax assessed as well as any costs required to pursue a delinquency.

Section 11. Every proprietor must pay the tax every six months, before the first day of April and before the first day of October. In the event of neglecting to pay the tax, a fine of 20% compounded at 1% per month will be added.

Section 12. On the first Monday in June and December, the treasurer shall publicly auction off building sites or similar properties encumbered by delinquent mulct taxes.

Section 15.¹³⁷ It shall be the duty of the county attorney to see that the law is enforced, and the assessors, county treasurers, and members of boards of supervisors shall also attend to the law's enforcement.

Section 16. No clause of the law shall in any way be construed to mean that the business of the sale of intoxicating liquors is in any way legalized, nor as a license, nor shall the assessment or payment of the mulct tax protect the wrongdoer from any penalty now provided by law, except as under the provisions cited in the following section. [p. 168]

Section 17. Cities of 5,000 residents and more can assess the mulct tax four times a year (on the first day of January, April, July and October) if a majority of voters who voted in the last

137. Eiboeck skips sections 13 and 14, suggesting that he may be excerpting from a summary of the Mulct Law.

general election submit a petition of consent. No proceeding shall be made against any person who has paid the last preceding quarterly assessment of mulct tax, provided the following conditions are complied with:

The person appearing to pay the tax shall file with the county auditor a certified copy of a resolution regularly adopted by the city council, consenting to such sales by him, and a written statement of consent from all the resident freeholders owning property within 50 feet of the building where said business operates. But in no case shall said business be conducted within 300 feet of any church building or schoolhouse.

The proprietor shall file with the county auditor, to be approved by the clerk of the district court, a bond in the sum of \$3,000 for the payment of all damages that may result from the sale of intoxicating liquors. Said bond shall be signed by himself as principal and by two sureties who shall qualify each in double the amount of the bond, and neither of whom shall be surety on any other like bond.

Said selling or keeping for sale of intoxicating liquors shall be carried on in a single room having but one entrance or exit, and that opening upon a public business street. The bar where liquors are furnished shall be in plain view from the street, unobstructed by screens, blinds, or painted windows. There shall be no chairs, benches, nor any other furniture in front of the bar. A list of names of all persons employed about the place shall be filed with the county auditor, and no persons shall be permitted behind the bar except those whose names are so listed.

The establishment shall be conducted in a quiet, orderly manner.

There shall be no gambling or gaming with cards, dice, [p. 169] billiards, or any other device, nor any music, dancing, or other form of amusement or entertainment, either in the room where said business is carried on or in any adjoining room or building.

There shall be no obscene or impure decorations, inscriptions, placards, or any such thing in the establishment.

No female shall be employed in the place.

The establishment shall not be open nor any sales be made earlier than 5 a.m. nor later than 10 p.m. on any day. It shall not

be open at all, nor shall any sales be made on Sundays nor on any election day or legal holiday, nor on the evening of such days.

No minor shall be allowed on the premises, and no sales of intoxicating liquors shall be made knowingly to any person who has taken any of the so-called "cures for drunkenness."

No sale of intoxicating liquors shall be made to any person whose husband, wife, parent, child, brother, sister, guardian, ward over 14 years of age, or employer shall by written notice forbid such sales.

For Cities with fewer than 5,000 Residents

Section 18. In cities of fewer than 5,000 residents, a petition of consent must be signed by at least 65 percent of eligible voters before saloons can be allowed to open.

Section 19. Whenever any of the conditions of this law shall be violated, or whenever the council of the city or town shall direct it, or whenever the voters of the city, town, or county demand it by petition, then the earlier unrepealed Prohibition Law of 1855 will be in force in place of the provisions of Section 17 above.

Section 20. Every petition signature shall be regarded as a forgery if unaccompanied by the affidavit of another reputable person stating that said person witnessed the signing of the same. No names shall be counted that were not signed within 30 days prior to the filing of the petition with the county auditor.

Section 21. The county auditor shall keep for inspection, by any citizen who may desire it, all papers required by the mulct tax to be filed with him; [p. 170] any failure or refusal on his part is punishable by a fine of \$150.

Section 22. The giving away or shipment of intoxicating liquors to any person under any pretense will be regarded as a sale and prosecuted.

Section 24.¹³⁸ Cities and incorporated towns shall have the power to levy further taxes and to adopt rules and ordinances for further regulating and controlling the sale of intoxicating liquors.

In 1897 the Mulct Law was amended to allow beer to be brewed in locations where Mulct Law licenses had been granted.

138. Eiboeck does not include a section 23.

In cities with a population larger than 5,000, the signatures of 50 percent of residing voters must be collected; in cities under 5,000, 65 percent is required.

In the larger cities along the Mississippi and Missouri Rivers, beyond the payment of an increased tax for saloon concessions, the mulct tax is paid just as much heed as the old prohibition law. However, saloon proprietors in the central part of the state, especially in Des Moines, suffer constant harassment. In addition to an annual license fee of \$1,200 and additional government taxes, these proprietors are forced to pay tribute to greedy searchers and equally crooked extortionate lawyers, constables, and policemen.¹³⁹

The immortal Abraham Lincoln once said, "Let reverence for the laws be breathed by every American mother, to the lisping babe, that prattles on her lap—let it be taught in schools, in seminaries, and in colleges; let it be written in primers, spelling books, and in almanacs;—let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice. And, in short, let it become the political religion of the nation."¹⁴⁰

Each and every patriotic citizen will concur here with the great and good American statesman. At the same time, however, the government must always take pains to give the people only such laws that do not violate the Constitution of the United States or restrict or eliminate the inalienable rights of the citizen, as Prohibition has done so far.

139. The 1895 Mulct Law did attempt to protect saloon proprietors by holding searchers liable for unwarranted charges: "If . . . the court shall find that the case was commenced without probable cause, or was maliciously brought, it may tax the costs to the plaintiff." *The Code of Iowa as Reported to the Twenty-Sixth General Assembly*, 482, section 32. Based on Eiboek's verifiable account of the overzealous enforcement of Prohibition in Des Moines between 1884 and 1894, it seems plausible that some abuses continued.

140. From Lincoln's address, "The Perpetuation of Our Political Institutions," at the Young Men's Lyceum in Springfield, Illinois, on January 27, 1838, an early speech that helped establish his reputation as an orator. Abraham Lincoln, "Address Before the Young Men's Lyceum of Springfield, Illinois," in *Collected Works of Abraham Lincoln*, ed. Roy P. Basler, Marion Dolores Pratt, and Lloyd A. Dunlap (New Brunswick, NJ, 1953), 1: 112.